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The "acceptable enemy": torture in non-political cases

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Introduction

In 1984, Amnesty International published a global survey of the practice of tortureⁱ. It presented evidence of torture and ill-treatment in more than half the countries of the world, with torture as an especially serious problem in some 40 countries.

The report made no attempt at quantifying torture or establishing a hierarchy of offenders. Nor did it attempt to establish a difference between torture as a tool against political activists or as a means to investigate ordinary crime. While torture is widely perceived in the popular imagination as a tool of political repression, there is ample evidence that torture is inflicted on a wide range of victim types for a wide variety of purposes. This makes the idea of citing "typical" incidents or patterns of torture unreliable except with reference to particular locations, periods and contexts. The implications of the widespread perception that torture is above all a phenomenon of political control has important consequences for how we address torture in its wider dimension, particularly with respect to the prevention of torture. Where government members who have experienced torture during their period of political struggle come to address problems of controlling crime and illegal immigration (as well as other social problems) there is a risk that they may not recognise as torture the kind of gross ill-treatment in non-political cases which are regularly documented by national and international human rights organizations, including Amnesty International.

What is torture?

The definition given in the United Nations' Convention against Torture is the following:

...the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a

third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in, or incidental to lawful sanctions.ⁱⁱ

To this definition could be added the phenomenon of suffering of the kind referred to above inflicted by individuals not associated with the government—political groups and criminal gangs for example—though these would not be encompassed in the terms of the Convention against Torture which applies only to governments.

The UN Declaration on the Protection of all Persons from Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (Declaration against Torture) of 1975 also notes that:

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

These definitions make no distinction between “pain or suffering” inflicted for political or for non-political reasons.

While torture is perhaps easily perceived in its extremes, the lower threshold below which ill-treatment cannot be regarded as torture is difficult to define. However, given that cruel and inhuman treatment is itself also contrary to international law, attempting to set clear borders between the two is probably a futile and potentially misleading task. In this paper we will be considering examples of cruel, inhuman or degrading treatment, some of which is torture. In some states ill-treatment of detainees is not carried out to control political opponents and, indeed, may represent standard practice for arrested criminal suspects or marginalised individuals who, through no fault of their own, become the object of police attention. It is important that these abuses are not disregarded because the victim of ill-treatment does not conform to stereotypes of torture or the tortured.

Reasons for torture

Two separate issues need to be addressed here: what is it that *encourages the use of* torture or its continuation and what are the *purposes* of torture. The reasons for the development of the practice of torture is a subject too large to consider here but the process arises out of ineffective control of the law enforcement agencies and impunity for those who carry out torture; it is clearly linked to the objectives of torture which include the maintenance of control, the defence of ruling values and the suppression and prosecution of political and criminal “enemies”; in short, political and social control. In some police and security forces, for example, the pressure to be “effective” in the fight against crime leads officers to use short-cuts to extract confession evidence to gain convictions. Without the will on the part of political authorities and senior police or military officers to maintain a minimum level of supervision and staff discipline, increasingly unacceptable practices can develop which may lead to the use of torture routinely in criminal investigations. In other words, a culture of torture develops. This can lead to law enforcement officials using torture for their own ends. One such product of this culture is the extortion of money from detainees by the infliction of torture^{iv}.

While some authors have attributed a single purpose for torture—commonly destruction of the personality or of the individual—this does not adequately address the complexity of the phenomenon of torture and is particularly ineffective in accounting for the practice of torture as a tool for harassment, extortion, and criminal investigation. The two reasons for torture probably most widely held in the public imagination—to gain information and to force confessions—are undoubtedly a major focus of the contemporary use of torture both in criminal cases and in political cases. However, torture is also used to immobilise political or social activists by intimidation or the infliction of serious psychological damage, or more widely, to induce in a population a sense of terror. If there is a difference between “political” torture and “non-political” torture it is less related to the suffering endured by the victims than to the context and objectives applying in each case. These differences may be important to accommodate in order to campaign effectively^v.

Who gets tortured?

Anyone who is arrested or otherwise held by agents of the state loses a measure of control over their own destiny; some are at risk of ill-treatment. In some states, the police and security apparatus are constrained by existing good practices and adequate openness to scrutiny which make blatant torture a rare occurrence. However, in many others, police or security agencies function either in the absence of adequate scrutiny or in a climate where the government actively or passively encourages torture. Some countries have police forces with a tradition for “physical” investigative methods^{vi}. Those who are arrested are ill-treated as a matter of routine.

In some countries police use torture as an instrument to enrich themselves. One prisoner awaiting trial in Pakistan told Amnesty International:

In our ward in Karachi Central Jail there are 15 punishment cells. They are all full. All new prisoners are put there first, to break their resistance; if they are new in prison, what are they punished for? In a punishment cell one is kept all alone, in bar fetters and they add cross fetters, from ankle to ankle so you cannot close your legs. I was held in cross fetters for almost two weeks and was also blindfolded. My ankles were swollen but because I could not pay the money they demanded, they did not take the fetters off. I had not done anything for which they could claim to punish me, they were only after the money. I know some prisoners who have paid 5,000 Rupees and their fetters were removed.^{vii}

In other countries the torture of political activists has been particularly brutal, notably more so than that inflicted on criminal suspects, though this may reflect the different purposes of political and non-political torture^{viii}. In other countries, it has been reported that use of torture against political activists has been stopped because of political change or the activists’ high public profile but torture of others, particularly those accused of criminal behaviour, has not been subject to the same constraining pressures.

Torture in non-political cases

The cases presented below all illustrate the use of torture inflicted against individuals detained and tortured for reasons unconnected with any political activity. The cases of “innocent victims”, criminal suspects, ethnic minorities, drug users, asylum seekers, marginalised individuals and victims in war zones are important to include in any overview of torture because:

- they represent a large proportion of the victims of torture currently occurring in the world
- their interests are frequently poorly represented in society
- they often do not have the technical and financial resources, the social skills, or the practical opportunities to gain access to sources of support available to political activists (who in turn themselves frequently have problems getting adequate care for torture-related trauma)

Difficulties in documentation

Amnesty International's work in documenting torture is aided immeasurably by the work of domestic human rights agencies, lawyers and journalists whose work results in the exposure of torture. Documenting the torture of non-political detainees (including those who are the victims of the misfortune of being in the wrong place at the wrong time) sometimes happens because of the courageous work of agencies and individuals, but often does not. Apart from the fact that frequently non-political detainees do not have access to lawyers or campaigning organizations—in itself partly due to a lack of personal participation in formal and informal institutions and processes in society—there may be a distrust by affected individuals of sources of potential support which may come from a different class, caste or ethnic group. At the same time, some victims will not consider complaining, as there is frequently an expectation of ill-treatment both by the victims and the broader society: on arrest, beating is “normal”. They may also be constrained by fear of reprisals from the police if they lodge a complaint. This expectation of violence at the hands of the police can mirror the culture of violence in which some marginalised groups live; social and personal relationships can be marked by violence for which recourse to the state and its organs is not seen as appropriate; or they may be subjected to vigilante or racist violence to which the police turn a blind eye.

An important source of documentation of torture comes from medical personnel who, in some cases, are able to determine the nature and likely cause of injuries on the body of the tortured but who can sometimes provide authoritative opinion even in the absence of such marks. Where individuals have no connection with the health service and where prison health services are non-existent or function only in the interests of the state, the tortured person will not be able to draw on this very important resource.

Patterns of torture

Torture of alleged criminals to gain confessions

In many countries the police appear to rely upon the extraction of confessions under duress as a major, if not sole, “method” of investigating crime. The extent of the problem can be obscured in situations where public awareness of, and mobilisation against torture, is focused upon torture as a tool of political repression.

In South Africa, where politically-motivated torture was in the past an endemic problem (and is now primarily confined to the province of KwaZulu-Natal), human rights monitors have nonetheless continued to document a disturbing pattern of torture by electric shock and near-suffocation practised by members of the specialised units of the South African Police Service (SAPS) such as the Murder and Robbery Units^{ix}. The victims include suspects in criminal investigations as well as marginalised groups such as street children and illegal immigrants.

The pattern predates the political transition period. Mduduzi Maphanga, a senior clerk with

the Natal Provincial Administration office in Imbali township, was arrested on 19 August 1993 by members of the South African Police in the course of a criminal investigation. During the ensuing four or five hours he was subjected to a brutal assault by the police who interrogated him about the whereabouts of a missing firearm. During the interrogation, he was assaulted with punches and kicks, stripped of his clothes, tied to a chair with a rope, and subjected to partial suffocation with rubber tubing which his interrogators pulled over his face. The police eventually released him, uncharged, dumping him in a state of shock and pain in the streets of Pietermaritzburg^x.

In a recent case under investigation, Mxonsi “Advice” Dlamini, was arrested by police from a “suspect tracing unit” at his home in Katlehong on the morning of 2 October 1995. He was taken by four police officers to a building next to the Katlehong police station where he was allegedly kicked, punched and assaulted with a knife. With a policeman sitting on his back, the prisoner was then subjected to having a piece of rubber tubing being pulled repeatedly and tightly across his mouth and nose. Later his interrogators took him to Vosloorus police station, which refused to accept the prisoner because of his extensive injuries. When he was seen a human rights worker several days later, he had multiple abrasions on his face, marks on his wrists and ankles where the cuffs dug into his skin, and bruises on his back^{xi}.

In Turkey, torture is widespread and systematic. On 7 November 1994, a 13-year-old apprentice, Abdullah Salman, was taken into custody by the police in Istanbul, Turkey. During the following two days he was brutally tortured while being interrogated about the disappearance of money and cheques from a store where he worked. He was beaten, punched and choked. Later, as he described it:

...they blindfolded me and trod on my hands. They took the sock off my left foot and tied something to it. Then they began to give me electric shocks. My soul really burned [meaning: it really hurt]. First I thought he had cut off my toe, then it was as if my body did not work from the waist down. Every now and then they hit my head. When they were giving me electric shocks, it was as if it would never end. This went on for three days. When I shouted out, those in the room shut my mouth and laughed.^{xii}

On the third day a lawyer managed to get access to the boy and to arrange for a medical examination. The resulting medical certificate confirmed extensive bruising to different parts of his body. Abdullah Salman was released from custody on 9 November 1994 by order of the prosecutor. He was never charged and the missing items were recovered from another person. Abdullah remained traumatised by his experiences, waking up in the night screaming and fleeing at the sight of police officers in the streets. He was placed under psychiatric care at Çapa Medical Faculty.

Torture occurring in the context of poor discipline

There have been many reports in post-communist Albania of the severe ill-treatment and torture of detainees, among them women workers, members of ethnic minority communities,

homosexuals and suspects in criminal investigations. The police had been one of the instruments of the extreme repression on the communist era and had been regarded with distrust and fear. Following the end of one-party communist rule and the election, in 1992, of the Democratic Party, a purge of the police forces took place. In 1995, 80 percent of the 23,000 employees of the Ministry of Interior—of whom 10,000 are police officers—had been recruited since 1992. Many of the new police recruits came from the ranks of former political prisoners, who had often been deprived of normal education and careers, as a consequence of prolonged detention and exclusion from higher education.

These largely newly recruited forces had little time to gain adequate training to prepare them for the disordered conditions and the sharp rise in crime which followed the end of communist rule. The situation has been aggravated by repressive traditions of policing, official tolerance of police abuses and rapidly changing assumptions about law and order.^{xiii}

Among other victims of police brutality are members of the Shoqata Gay Albania (SGA: Gay Albania Society). Prior to June 1995, homosexual acts between men were illegal under the Criminal Code and punishable by up to 10 years' imprisonment. In October 1994 three SGA members were arrested and beaten by police in Tirana District 1 police station. One of the detainees was so severely beaten that he was admitted unconscious to hospital with multiple fractures to a leg^{xiv}.

In one of the four known instances of deaths in custody as a consequence of police ill-treatment in 1994, Irfan Nanaj had been arrested on 15 January 1994 after a drunken quarrel broke out in a café. Police officers beat him so severely at the police headquarters in Saranda he was unconscious when taken to the local hospital. He remained in a coma for two weeks before dying on 26 January 1994. The doctor in charge of his treatment was quoted by journalists later as stating:

The patient Irfan Nanaj came to hospital in a very severe state of health. Medical experts who examined him concluded that he had been beaten in the most terrible way in Saranda police station. He had been beaten with a rubber truncheon, causing internal haemorrhaging.^{xv}

Torture of women

In Kenya, torture is used by the police to obtain confessions in criminal investigations cases, as well as in political cases. Common methods of torture include beatings, whippings, various forms of suspension, submersion in water, sexual abuse and rape. Women and girls have fallen victim to these abuses. For instance, in August 1992 a 16-year-old girl was tortured by two police officers from Buru-Buru police station in Nairobi. She was accused of stealing money from her employer, who was one of the police officers involved in the assault and interrogation. She was reportedly burnt, tied up with a rope and a stick was forced into her vagina. She required hospital

treatment for her injuries. By 1995, the two police officers who had been charged with causing her grievous bodily harm had still not been brought to trial. They were reportedly also still on active duty^{xvi}. Josephine Nyawira Ngegi, an AI-adopted prisoner of conscience and member of the Release Political Prisoners campaigning group, was arrested in May 1994 and held illegally and incommunicado for 22 days. She has stated that she was beaten and had blunt objects pushed into her vagina until she bled. AI is not aware of any investigation into her case^{xvii}.

Women in Turkey are also victims of police ill-treatment. On 23 January 1995, Sultan Aygün and her husband Garip Aygün were detained in Istanbul in connection with a traffic accident. While her husband was blindfolded and subjected to *falaka* (beatings on the soles of the feet) in an attempt to get him to confess to other traffic offences, she was handcuffed to a radiator, beaten and subjected to threats that her daughter would be taken into custody and raped. The couple reportedly received medical reports from the Forensic Medicine Institute confirming injuries^{xviii}.

To Amnesty International's knowledge, in none of the cases above has compensation or specialised medical aftercare been offered by the state which was responsible for their ill-treatment.

Torture of the marginalised

Brazil is a country with one of the most marked disparities of wealth in the Americas. Millions of poor are forced to survive in conditions of deprivation and poverty. Those living in the streets and shanty towns can be the target of unofficial "clean up" operations by police and armed squads of vigilantes which lead to torture and killings. In Rio de Janeiro, in the early hours of the morning of 14 October 1992, a group of eight armed men, some of them wearing civil police jackets, raided the home of Romilson dos Santos Reis, in the shanty town of Nossa Senhora da Guia, Lins de Vasconcelos. Some of the men were reportedly masked. They had no warrants. The men woke Romilson dos Santos Reis, who was asleep in the living room, and tied him up. For around two hours, they allegedly beat him with a stick, and kicked him and burnt him with a hot iron on the abdomen, legs, genitals and other parts of the body. His father was in his bedroom and could hear his son's screams, but could do nothing to help him. Romilson dos Santos Reis lodged a formal complaint with the police and identified some of his assailants. He then allegedly received death threats^{xix}.

The torture of children and juveniles during interrogation for criminal offences has been frequently reported in Tijuana, Mexico. The victims are usually from the disadvantaged sectors of society: homeless teenagers, the children of poor urban families and young rural migrants from the Mexican interior. They have neither the money nor the status to protect themselves from abuse. The methods of torture include beatings and whippings with belts, near-asphyxiation in water and with plastic bags over the head, mineral water forced into the nostrils and sexual abuse. And they include electrical torture as this 17-year-old young man's testimony indicates:

They attached the wires, one to each foot—to each big toe—and when they connected them I convulsed from the shocks. But before they did this they put a cloth in my mouth, and a judicial [police officer] grabbed me from behind and told me not to stick out my tongue because the electricity might make me bite it.^{xx}

Torture on grounds of ethnicity, "foreignness"; asylum seekers

As Amnesty International noted in its 1992 report on Greece, “although the fall of the military government in 1974 brought an end to the systematic torture of political prisoners, the torture or ill-treatment of people in detention by law enforcement officials has not been eradicated”^{xxxi}. Outsiders and foreigners have fallen victim to the abusive tactics of, for instance, the Athens Anti-Narcotics Police. In one case, Sehmus Ukus, a Kurd and citizen of Turkey, was arrested by this unit in July 1990 when he was returning to his hotel in central Athens. In an area of high ground the police allegedly stripped him of his clothes, hung him from a tree and then, after taking him down, forced him to lie on the ground, tying his legs together and handcuffing his hands behind his back. They then allegedly burned the soles of his feet and his genitals with a cigarette lighter and beat him with sticks. Later he was taken to the Headquarters of the Anti-Narcotics branch where the torture continued on the following day. At one point a senior police officer allegedly came into the interrogation room and asked them why they were beating Sehmus Ukus; the officers replied, “he is a Turk”. When he was brought before the examining magistrate, who was prompted to report the allegations of torture to the public prosecutor, Sehmus Ukus was never called for examination by a forensic doctor, in spite of his battered condition. In November 1991 he was given a 30-month prison sentence for using drugs^{xxii}.

In France, a high proportion of the victims of unlawful shootings, killings and ill-treatment of detainees by law enforcement officers in 1993 and 1994 involved victims of non-European ethnic origin, mostly from the Maghreb countries, the Middle East and Central and West Africa. In one case, Rachid Harfouche, a 20-year-old French national of Algerian descent, was returning to his home on the evening of 10 December 1993 when he saw a police car stop outside the apartment building where he lived with his family. When three police officers got out and ran towards him, he took fright and fled up the stairs to his parents’ apartment. Neighbours and family then saw him being stopped by the police, ostensibly for an identity check, handcuffed and then beaten by the police with truncheons. The police continued to beat him as they led him downstairs. He started to vomit following a severe blow to his throat. When people tried to intervene the police used teargas to clear the area. He was dragged outside, and beaten and kicked while lying face down on the ground, before being taken to the local police station. He was never apparently charged with any offence. He required hospital treatment for a fracture to his nose and multiple injuries to his throat, chest, back and wrists. Later that month he made a complaint against the police to the court^{xxiii}.

The vulnerability of outsiders to ill-treatment and torture at the hands of law enforcement officials appears to increase in situations of general public intolerance towards those perceived as foreigners. In Germany, for instance, severe ill-treatment of detained members of ethnic minorities sometimes seems indistinguishable from racially-motivated attacks carried out by youths or members of right-wing organizations. Yusuf Barzan, an asylum-seeker and survivor of torture at the hands of the Iraqi authorities became a victim again when, on 12 May 1994, he was attacked in the centre of Magdeburg by a group of youths wielding baseball bats and chanting: “Germany for the Germans, foreigners out”. As they pursued him through the streets, two police cars arrived on the scene. Instead of offering him assistance, one of the officers allegedly threw him on the ground, struck him on his shoulder with a baton and kicked him in the testicles. His protests were silenced with “Shut your mouth, you bastard”, and he was thrown into a police vehicle where he was beaten again. He was detained in police station cells overnight, before being released uncharged. He did not seek immediate medical help, feeling that he was “only” bruised, and did not lay a complaint about his ill-treatment and detention because he was afraid he would not be able to pay his legal expenses. Following publicity about his experiences in a news

magazine, police officers did interview him and, in September 1994, an officer was charged with causing bodily harm to Yusef Barzan^{xxiv}.

Vietnamese detainees appear to be vulnerable to serious ill-treatment at the hands of, particularly, the Berlin police authorities. In one incident in May 1994, two Vietnamese asylum-seekers attempted to flee from plainclothes police trailing them in east Berlin. One of the men, when he was caught, was repeatedly punched in the face while being interrogated about possession of cigarettes he was allegedly involved in illicitly selling. When he did not answer he was made to run up and down in a nearby canal, knee high in water for approximately 20 minutes. The officers eventually left him and he returned home. Although his face hurt so much he could not eat, he did not think of complaining or of going to a doctor because he was “only” an asylum-seeker, did not have permission to be in Berlin and had been involved in the illicit sale of cigarettes^{xxv}.

During the 1990s, members of the minority Roma community in Romania have been targets of imprisonment, beatings and other ill-treatment at the hands of law enforcement officers, who have also failed to protect them from racist violence from other members of the community. One Roma family became victims of police harassment apparently because they had provided shelter to survivors of large-scale anti-Roma violence in Mure_ County in 1993. In an incident on 24 December 1993, four police officers assaulted members of this family in their home, including the mother, her twelve-year-old son and her daughter-in-law. One police officer handcuffed 19-year-old Mircea Lac_ and reportedly beat him all over his body. According to his mother's testimony, the police pushed him between two wooden benches and continued to beat him by hitting the top bench. He was also hit with truncheons on the soles of his feet. The police allegedly shouted: “We will kill you as well as all the other gypsies”. Mircea Lac_ was then taken to the local police station and held for several hours before being released without charge. The harassment of the family continued in 1994, including beatings and threats against Mircea's father when he attempted to lodge a complaint against the police^{xxvi}.

Torture as an instrument of war

Torture and ill-treatment have frequently preceded arbitrary killings throughout the war in Liberia. Amnesty International has received first-hand testimonies and reports of raids by armed groups in which victims were robbed, tortured and ill-treated, some of whom were killed.

One of the most common forms of ill-treatment is known as the *tabey*, where the victim's elbows are forced together behind the back and tied in that position, causing extreme pain to the muscles of the shoulders and chest as well as rope-burns to the crooks of the arms. *Tabey* victims often lose feeling in their lower arms for days or weeks following their torture. In some cases, nerve damage is so acute that irreversible paralysis of the arms results. There are also reports, in exceptional cases, of death caused by breathing difficulties experienced by a person subjected to *tabey*.

All of the Liberian warring factions have subjected captives to *tabey*. In some cases, victims tied in this manner are subjected to further ill-treatment and torture including beatings and rape. One of the main purposes of torture is undoubtedly to intimidate and inspire terror in the general population. Intimidation and torture are also intended to establish control over the civilian population. All the Liberian factions have terrorized the local population in disputed territory in order to discourage support for rival factions^{xxvii}.

Difficulties for victims in obtaining redress

· Personal rehabilitation

Some traumatic stress specialists have suggested that political activists who are persecuted for their political beliefs and who are aware of the risks they face have a greater chance of interpreting and understanding their suffering and therefore of “processing” the trauma when compared to individuals who have no idea why they are being persecuted. To this extent, criminals who have either experienced police ill-treatment or have had friends who have been ill-treated may have, in an analogous way, a marginally better chance to resolve their trauma than those who are arrested with no knowledge or prior experience of arrest or ill-treatment. In certain countries people arrested by police expect to be beaten or to be ill-treated in other ways and therefore approach their impending torture as a “normal” event. Those who are arrested in error, or for no apparent reason, may have less ability to understand their fate and therefore find it much harder to come to terms with the experience.

Irrespective of the capacity of individuals to survive torture or other ill-treatment through their own resources, there are serious questions about the extent to which affected individuals have access to other sources of help. Many victims who are arrested in the course of criminal investigations are from the margins of society; others who are abused are victimized because they belong to ethnic minorities or are refugees or asylum-seekers. Frequently they are not part of the “cared for” community^{xxviii}. Their suffering is seen by many as self-inflicted, deserved or inevitable—in any event, not of great importance. Because they frequently lack connections with the conventional structures of society, they are excluded from specialist, and sometimes even basic, social and psychological services.

While there are many “centres for torture victims” which do excellent work, they are unable to cope with the numbers of people who might need some kind of support following the traumatic disruption to their lives caused by imprisonment, ill-treatment, separation and loss, and for many, exile. However, at least they exist and are addressing the needs of refugees and political activists and, as in the case of the Cape Town Trauma Centre, are trying to intervene in the cases of criminal suspects and street children. However, in general there is not the same imperative to address the needs of the marginalised, the criminal and the powerless as there is to respond to the needs of “innocent” victims or people who have suffered while struggling for ideals.

· Police accountability and compensation

As long as the tortured are seen as representatives of a political movement, party, organization or as someone campaigning for a better society, then their torture can be expected to provoke opposition and concern among certain sectors of society. This introduces a measure of pressure for police to be accountable for their acts and for the victim to receive recompense. However, where the victim is widely seen as deserving his or her fate, the police may feel less public opposition to their activities and, indeed, may feel support for their behaviour in certain circumstances. This is particularly the case where the police are engaged in a “war against crime”. In any event, there is less likely to be pressure for accountability or for compensation for the victim of torture.

· Reforms

The use of torture as a political tool of government is widely seen as unacceptable. It prompts national and international campaigns for abolition and for a restoration of the rule of law. However, the application of torture to the solution of crime or social problems often reflects deeply entrenched social values and, in many countries, is less likely to provoke public outrage than political torture. Therefore, it can be correspondingly more difficult to effectively implement reforms.

Conclusion

Torture and ill-treatment of criminal suspects and other non-political detainees is under-documented yet appears common throughout the world, including in democratic states. In some countries it is routine to apply “third degree” methods of interrogation in criminal investigations and public concern is muted because of a preoccupation about crime and its control. On the other hand, various kinds of marginalised individuals can be victimised with relative impunity because they have no voice in society.

Such victims of ill-treatment do not appear to have the same access to legal, medical or psychosocial resources as political refugees or activists who are seen as more deserving and who are more likely to be able to seek help effectively or be referred for help.

Torture of criminal suspects and other non-political detainees maintains or promotes a culture of human rights violations. There is a risk that the concept of the “acceptable enemy” could weaken international efforts to combat torture, and the campaign against torture in non-political cases needs to be strengthened and widened.

Notes

i. Amnesty International. *Torture in the Eighties*. London: AI Publications.

ii. United Nations. *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* [1984]. In: United Nations. *Human Rights: a compilation of International Instruments*. New York: UN, 1988.

iii. *Ibid.*

iv Amnesty International. *Pakistan. The pattern persists: torture, deaths in custody, extrajudicial executions and "disappearances" under the PPP government*. AI Index: ASA 33/01/95, January 1995.

v In some countries, political detainees are treated worse than criminal detainees because they are seen as a greater threat to ruling interests than

criminals. In others, the reverse situation applies, possibly as a result of the high profile of some political activists and the perceived political cost of such ill-treatment.

vi An Amnesty International delegation to India in 1994 was told by one senior civil servant that “a policeman who does not beat is not a policeman”.

vii Amnesty International. *Pakistan: “Keep your fetters bright and polished”—the continued use of bar fetters and cross fetters.* AI Index: ASA 33/12/95, May 1995.

viii For example, where police “solve” a crime as soon as a confession is made, then torture stops. Where there is a deep level of ideological hatred or fear, torture exists independent of such a functional role and torture can continue irrespective of confession or information given.

ix See *Breaking with the past? Reports of alleged human rights violations by South African police, 1990-1995.* Compiled by the Network of Independent Monitors, the Trauma Centre for Victims of Violence and Torture, and the Independent Board of Inquiry, May 1995.

x Amnesty International. *South Africa: Policing, human rights and the prospects for free and fair elections.* AI Index: AFR 53/09/94, February 1994.

xi Reported by the Independent Board of Inquiry, Johannesburg, and under investigation by the Police Reporting Officer, Witwatersrand.

xii Amnesty International. *Turkey: Torture of 13-year-old in Istanbul,* AI Index: EUR 44/18/95, February 1995, p.2.

xiii Amnesty International. *Albania - Failure to end police ill-treatment and deaths in custody,* AI Index: EUR 11/04/95, p.3

xiv *Ibid.*, pp.16-17

xv *Ibid.*, p.22

xvi Amnesty International. *Women in Kenya: Repression and resistance*, AI Index: AFR 32/06/95, 24 July 1995

xvii Amnesty International. *Kenya: torture compounded by the denial of medical care*. AI Index: AFR 32/18/95, December 1995.

xviii Amnesty International. *Turkey: A policy of denial - update 1*, AI Index: EUR 44/24/95, 1995, p.2.

xix In January 1993, the Vice Governor of Rio de Janeiro wrote to Amnesty International that a civil police detective and a military police officer were in detention and another military police soldier and a civilian were being sought for the torture of Romilson dos Santos Reis. He attributed the positive outcome of the investigation to the work of the newly created *Delegacia Especial de Tortura e Abuso de Autoridade*, a special police unit to investigate reports of torture. See Amnesty International. *Brazil: An agenda for human rights*, AI Index: AMR 19/15/94, 1994.

xx Amnesty International. *Mexico: Torture with Impunity*. London: Amnesty International Publications, 1991, p.6.

xxi Amnesty International. *Greece: Torture and ill-treatment*, AI Index: EUR 25/06/92, June 1992, p.1

xxii *Ibid.*, p.6

xxiii Amnesty International. *France: Shootings, killings and alleged ill-treatment by law enforcement officers*. AI Index: EUR 21/02/94, October 1994, pp.25-26.

xxiv Amnesty International. *Federal Republic of Germany. Failed by the system: police ill-treatment of foreigners*, May 1995, AI Index: EUR 23/06/95, pp.16-17.

xxv *Ibid*, pp. 12-15. Asylum seekers are assigned to a particular district in a particular *Land* in Germany and need written permission from the authorities before they can leave it.

xxvi Amnesty International. *Romania: Broken commitments to human rights*, May 1995, AI Index: EUR 39/01/95, pp.33, 25-39.

xxvii Amnesty International. *Liberia: A new peace agreement - an opportunity to introduce human rights protection*. AI Index: AFR 34/01/95, September 1995.

xxviii The term “cared for” in this context refers to a wider social provision of services. In many societies, care is provided within the family and the social circle of the individual, and provision by the state or official agencies is neither expected nor delivered.