

## Keith Best: Do We Have to Tolerate Torture?

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June 14, 2012

Universal Peace Federation - UK



Human Rights: The Protection of the Unempowered and the Dispossessed

Speaking on the theme “Do We Have to Tolerate Torture?” Keith Best, Chief Executive of Freedom from Torture, states:

“Western governments and their people seem to suffer from both mass hysteria and amnesia over human rights. In the UK the tabloid media and politicians become thoroughly exercised over a few terror suspects not being deported because to do so might be in breach of an absolute human right obligation under Article 3 of the European Convention on Human Rights not to send anyone to face torture or inhuman or degrading treatment and over a few foreign criminals because it is alleged that their private and family life might be disrupted. In the latter case, of course, Article 8 is not absolute but proportionate – so it is often the case that the courts will regard maintaining the integrity of immigration control and the ability to remove someone whose presence is not conducive to the public good as being superior to the disruption of any family life and will decide that deportation is justified.

“Yet while we huff and puff over these cases there seems to be little interest in the mass torture of individuals in many other states such as North Korea, recently highlighted in *The Economist*, where there are an estimated 150,000-200,000 political prisoners and the “guilt-by-association” law condemns three generations to the gulag. The current UN Special Rapporteur for North Korea, Marzuki Darusman, has described the humanitarian situation in North Korea as “dire” and has reported an “absence of civil, cultural, economic, political and social rights” for the people of North Korea. The gulag’s captives are not told of their crimes, though torture usually produces a “confession”—which might admit to defacing an image of the “Great Leader” or listening to a foreign broadcast. There is no defence, trial, judge or sentence yet most inmates remain in the camps for life unless they escape. They are victims of forced disappearances in that neighbours, colleagues and distant family members know nothing about the fate of those who vanish.

“We at Freedom from Torture see the cases from Africa, Asia and the Middle East and are very aware of the massive scale of the human tragedy in which lives are blighted mentally and physically sometimes for ever. It is meaningful to describe torture as killing without taking life (although, of course, many perish under its application). Torture is designed to dehumanize, to denigrate, to de-personalise its victims. I meet people who have been taught that they are sub-human and undeserving of any decency or compassion. It is our privilege, through careful clinical care, to help them rebuild their broken lives.

“Torture is often senseless: applied gratuitously without the intention of eliciting information but as a part of general

intimidation. Yet torture is torture: it can never be justified even if practised as part of trying to extract information from alleged terrorists as the former Head of M15 Baroness Eliza Manningham-Buller stated in the second of her Reith lectures last year. It is “wrong and never justified” she said and it should be “utterly rejected even when it may offer the prospect of saving lives”. She opined that the use of torture had not made the world a safer place, adding that the use of waterboarding by the United States was a “profound mistake” and as a result America lost its “moral authority”.

“Torture tests our morality to the extreme. However much we may profoundly disagree with, condemn and regard as personified evil the brainwashed suicide killers who have no respect for the lives of women and children, for the mass rapists, for those who derive perverted pleasure from the infliction of pain on the vulnerable and weak we destroy our own civilized values if we practise their methods. Moreover, torture is notoriously inefficient in trying to extract reliable information. Historically it has been discontinued not just because it presents a moral outrage but also because it does not work.

“Many of us feel a sense of powerlessness to stop the torture as it happens in foreign countries beyond our control – although with the knowledge revolution we cannot recline into the comfort zone of supposed ignorance which enabled Neville Chamberlain, on the brink of war in September 1938 in a radio broadcast, to describe the unfolding tragedy in Czechoslovakia as “a quarrel in a faraway country between people of whom we know nothing.” We all are our brother’s keeper now as terrorism has shown that it is no respecter of boundaries or innocent lives. In the UK we can make a stand by supporting charities like Freedom from Torture and pressurising the Government here to take stronger action abroad. In a very real sense, moreover, we can try to persuade the Government here to show more compassion and understanding for those who come seeking our protection under our international obligations.

“I was in the House of Lords only recently for the launch of a damning report by Women for Refugee Women which describes the experiences of women denied asylum in the UK. The report examined 72 women of whom more than half had experienced violence from soldiers, police or prison guards – 32% had been raped by them. Three quarters of the 67 who had been refused asylum said that they had not been believed – there exists in the UK Border Agency a culture of disbelief. The effect of refusal was destitution, reliance on charities and further sexual violence. One of the women stated “I used to be so full of hope. Even when I came to this country I thought I would survive and make a good life for myself. It wasn’t what happened to me in my home country which broke me. It was what happened to me here. That was what broke my spirit.”

“The continued detention of torture survivors, despite the declared contrary policy by the UK Border Agency, remains a scandal. It is a double torture.

“The UN Special Rapporteur on Iran is visiting our London Centre next week when I shall meet with him. Iranians represent numerically the largest group of torture survivors who are referred to us at Freedom from Torture and, sadly, so many of the males have been sexually abused as well as suffering other forms of torture.

“On 4 December 2000 the United Nations General Assembly decided that, from 2001, 20 June would be celebrated as World Refugee Day. In its resolution 55/76 the General Assembly noted that 2001 marked the 50th anniversary of the 1951 Convention relating to the Status of Refugees. The Campaign to Free Political Prisoners in Iran (CFPPI) have designated the same day, 20 June, as the International day in support of political prisoners in Iran. It falls within Refugee Week and I urge as many of you as can attend to go to Coin Street on the South Bank and participate in some of the many activities.

The Campaign recently issued the following statement: “For the last thirty three years, the Islamic Regime in Iran has robbed Iranian citizens of their most basic human rights in order to stay in power. The slightest criticism of the government is met with immediate arrest, unspeakable torture and even execution. Tens of thousands of men and women including juveniles as young as 12, were tortured and executed in the 1980s during the mass executions of political prisoners, which was the topic of a 145 page document by the prominent UN jurist; Mr. Geoffrey Robertson. Not only have these executions continued to this day, they have dramatically increased since an uprising in 2009. There is a systematic campaign underway by the Iranian regime to severely crumble civil society by targeting journalists, lawyers, human rights activists, women’s rights advocates, labor activists, religious minorities, homosexuals, and student protestors. In addition, authorities have restricted access to information by blocking websites, impairing internet, and jamming foreign satellite broadcasts. The regime has shown that it will stop at absolutely nothing in order to ensure staying in power. There are thousands upon thousands of well documented cases by various human rights organizations

regarding the gross human rights violations of political dissidents in Iran. The UN appointed Special Rapporteur to Iran, Mr. Ahmed Shaheed, presented a report on the worsening situation in Iran as recently as March 2012, yet authorities have so far refused to allow him access to the country.”

Does the world, do we, have to tolerate this terrible situation? Torture is contrary to international law and its practice or complicity in it is a criminal offence in most civilised countries. We must be vigilant to ensure that some states do not abrogate their responsibilities by seeking to re-designate torture as something else, such as “enhanced interrogation techniques” as in the USA. As I have mentioned before, torture is torture.

Many of the instruments are in place for the removal of this scourge. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (United Nations Convention against Torture) is an international human rights instrument that aims to prevent torture around the world and requires states to take effective measures to prevent torture within their borders, and forbids states to transport people to any country where there is reason to believe they will be tortured. The text of the Convention was adopted by the United Nations General Assembly on 10 December 1984] and, following ratification by the 20th state party, it came into force on 26 June 1987. 26 June is now recognised as the International Day in Support of Torture Victims, in honour of the Convention.

Although, unlike the European Convention on Human Rights, the Torture Convention does not have a court to adjudicate on any findings of torture its associated Committee against Torture is composed of ten independent experts who are persons of high moral character and recognized competence in the field of human rights and monitors implementation of the Convention by State parties, all of which are obliged under the Convention to submit regular reports to the CAT on how rights are being implemented.

The only real ingredient that is lacking is political will of leaders and politicians around the world to concentrate on eradicating torture. There is and will be opposition. We should not forget that just over two hundred years ago there were vested interests in and considerable opposition to the abolition of slavery – yet perseverance led to its abolition and, perhaps more importantly, to its universal condemnation. We are not yet there with torture but if everyone here makes a pledge to raise the issue with their representatives and at every available opportunity that will be a start and with others doing the same we shall get there and remove this terrible stain on humanity.