

Ladies and gentlemen

I would also like to commence by acknowledging the traditional owners of this country, the Gadigal people of the Eora nation and paying my respects to their elders past and present.

In paying my respects on this particular day, I'd like to commence my remarks not by talking about torture in far-flung places, but by pausing for some moments to reflect on the role that torture and cruel, inhuman and degrading treatment and punishment have historically played in the projects of imperialism and colonialism and as such in the settlement of this country.

I do this, in part, because one of the main messages that I want to convey today is that we misunderstand torture if we cast it as an act of individual aberrance or a result of the evil character of particular people. Torture is always part of a broader political project, be that a project of colonialism, neo-imperialism or authoritarian nationalism. If we are going to comprehensively and intelligently think about prevention, we need move beyond individualising discourses and analyses and place torture back in this context of the politics of domination.

Starting right here then, and reading back over the history of imperialism, we see that systematic physical and psychological degradation of Indigenous peoples was one of the key mechanisms that colonial administrators adopted to tame already occupied countries for imperial rule so as to effectively annihilate the pre-existing sovereignties and systems of law. The same was true, I should add for imperialism in Asia, the Americas and Africa. And it is true for the neo-imperialisms of today, including those carried out by multinational corporations. Witness the torture of the Ogoni people in Southern Nigeria who have sought to protect their land from the comprehensive rape by Shell Oil and other MNCs.

Coming back to this country, we have few records of the practices of torture, but we do have some oral histories, including these words from the child of an Aboriginal woman who survived the Myall Creek Massacre in 1838:

“My mother would sit and cry and tell me this; they buried our babies in the ground with only their heads above the ground. All in a row they were. Then they had tests to see who could

kick the babies' head off the furthest. One man clubbed a baby's head off from horseback.

They then spent the rest of the day raping the women, most of whom were then tortured to death by sticking sharp things like spears up their vaginas till they died.

They tied the men's hands behind their backs, then cut off their penis and testicles and watched them run around screaming until they died. They killed in other bad ways too.” (*Massacres to Mining: The Colonisation of Aboriginal Australia*, Jan Roberts, 1981, p.19)

One might wonder whether those practices of dehumanisation were simply consistent with the dominant view that Indigenous peoples were less than fully human. Or was torturing people a way that the colonisers could prove to themselves that Indigenous people were in fact less than human and as such, that invasion and a panoply of rights violations were not violations at all, but simply a form of rational action? If people are not really human, you cannot violate their human rights.

A letter to the Australian in 1838 would indicate that this is precisely the case:

“I look on the blacks as a set of monkies .....the earlier they are exterminated from the face of the earth the better. I would never consent to hang a white man for a black one.” (Cited in Bruce Elder, *Blood on the Wattle: Massacres and Maltreatments of Australian Aborigines since 1788* Frenchs Forest, N.S.W: Child & Associates, 1988, 83.)

It's also an irony worth noting that imperial powers have always drawn and imposed distinctions between the apparently civilised forms of violence that they inflicted, always in the name of some higher cause (civilisation, security, public order, the introduction of democracy and the rule of law) on the one hand, and 'uncivilised' forms of violence, that is, those that belonged to the cultural repertoire of the peoples already present.

And I'm not speaking about ancient history here – for even as we continue to lock Aboriginal boys and men up in prisons sometimes thousands of kilometres away from their family and their country in the name of good public order, we fear that recognising traditional punishments such as ritual spearing might amount to cruel and inhuman punishment in violation of our obligations regarding the prevention of torture.

Similarly, even as the US and Australia remain for the most part silent about the complicit torture carried out by authoritarian regimes in the Middle East, we bravely leap to the defence of apparently powerless Muslim women who need to be saved from the cruelty of veiling. Here I'm not denying that the enforcement of veiling can also be a form of political control, as it is in Iran. Rather I am pointing to the political basis of the distinction between those practices that imperial powers sanction and those against which we choose to protest.

I wanted to commence with these remarks, grounded in the lived reality of our own country, so that we could get right to the heart of the connection between torture and human rights. **While torture may, in some cases be motivated by a desire to extract information, and we all know that this utilitarian justification is the one that gets bandied about most frequently, torture is ultimately about the dehumanisation of those whose humanity we are, for some political, social or psychological reason, compelled to annihilate.**

We saw this powerfully in the torture of blacks in Apartheid South Africa and leftists in Latin America. And we see it today with respect to the torture by the United States of Muslims as part of its neo-imperial project in the Middle East, of Tamils in Sri Lanka, of opposition figures in Zimbabwe, of gay men in Kenya and lesbians in South Africa and of women in the Congo.

When one considers that the prohibition against torture was one of the fundamental tenets of the Universal Declaration of Human rights, adopted by the United Nations in 1948, and subsequently elaborated in the ICCPR, the CAT, the persistent prevalence of torture is enormously discouraging. Indeed, I would say that this fissure between the commitments made by states to international human rights law and the improvement of outcomes in terms of the actual protection and enjoyment of human rights is one to which those of us who work in the field really need to train our attention.

While not denying the importance of international human rights law or of naming and shaming style advocacy that human rights organisations have traditionally adopted, I would suggest that in the face of the resistance of practices such as torture to these strategies, we need to begin to think much more creatively about effective torture prevention. Without doubt, laws criminalising torture are an absolute sine qua non of a comprehensive strategy, but we also know that in many countries that

have ratified the *Convention Against Torture* and even enacted domestic legislation, torture remains endemic.

In the few minutes I have here, I am certainly not going to lay out a strategy for eradicating torture (as if I could even with several days). But I do want to make some observations that I think might assist us in developing such a strategy over the longer term:

1. First, as I have just laid out, we need to understand that torture is a highly political act, and not an act committed by aberrant and thus individually correctable individuals. In this sense, we need to connect our strategies for torture prevention with broader projects that address the political pathologies that underpin that particular practice. So, to make that concrete, in Sri Lanka, where we are currently working, we need to understand that the systematic practice of torture is inseparable from the civil war and that sustainable prevention of torture will require the just and equitable settlement of long term grievances and shifting the relations between Tamils and Sinhala.
2. Second, and relatedly, torture is very much about identity. In other words, the victims of torture are not randomly chosen but almost always belong to groups that are broadly denigrated and are objects of significant social and political hostility. I recently interviewed Glenn Carle, the CIA agent who wrote a book about torture as part of the “war Against Terror”, and he spoke with me at length about the attitudes of ordinary Americans who consistently made comments like: “why don’t you guys just carpet bomb the whole area? They are all terrorists?”
3. Third, while people who inflict torture may do so because they are ordered to, in most cases, practices of torture emerge in a much more indirect and amorphous way. We see this for example in the testimonies of US soldiers who speak about a permissive environment and indirect messages. Rumsfeld’s words “the gloves are coming off” were probably as, if not more important than the legal briefs justifying torture as falling within US and international law.

My colleague who is currently stationed in Nepal just sent me a note telling me about the latest Bollywood blockbuster she had seen in which the police, the heroes, are celebrated as they kick the shit out of some evil looking prisoners.

What this means is that we need to get a much better understanding of the cultures in which torture becomes normalised. We may well stand on the outside of organisations where torture is practiced and label those practices aberrant, but the critical point is that people in those organisations do not experience them as aberrant at the time that they are practicing them. Prevention thus requires that we understand how people come to experience their world as one in which torture is acceptable.

4. Fourth, and following from this, standard human rights interventions that simply tell people that torture contravenes international law do not work. It might be morally satisfying for us to believe that torturers are either evil or (even more naively) to believe that all they need is a good dose of international law. But those beliefs provide us with no access to actually changing their behaviour. We need to be prepared to leave the comfortable worlds of moral condemnation and get a lot closer to the lived realities and worldviews of the people whose behaviour we would like to shift.
5. Finally, and probably most provocatively, I think we need to take a leaf out of the basic tenet of human rights theory that says that all human beings are equal in dignity and right and sit for a while with the uncomfortable fact that people who torture are for the most part fundamentally not different to us. Certainly, there may be the odd sadist, but organisations that sanction torture generally find sadists to be poor torturers. Far more amenable are people with no particularly remarkable psychological predisposition, other than the very human one to be shaped, and in some cases deeply distorted by organisational practices and cultures.

From the work of people like Zimbardo going back to the Stanford prison experiments, we know that torture is far more situational than it is psychological and as such, we need to turn our focus from aberrant individuals to aberrant cultures and organisations and learn how to reshape the latter.

As I believe my colleague Aloysia will go on to speak about our public opinion surveys tell us that in fact, large proportions of people support torture. In this sense, the deep and sustainable prevention of torture will require reform not only of the organisational dynamics that are born in police and military training schools but in the broader cultures of

societies whose governments continue with the projects of neo-imperialism and rabid nationalism.