

At a Crossroad on Torture



The year 1987 marked a sentinel year for the struggle against torture, both internationally and locally. The idea of a NSW torture and trauma service was born in that year and the idealism and passion that it generated led to the establishment of STARTTS the very next year. By Professor Derrick Silove.

At an international level, previous declarations on torture were at last consolidated and adopted into international law as the UN Convention against Torture. These converging developments at the global and local level, gave many of us hope that our work assisting torture survivors had the beginnings of a durable foundation. We felt supported and championed in our work and cherished the hope that the tide had at last turned in that the leading world nations had at last made an unconditional commitment to condemn and struggle against the practice of torture worldwide.

Sixteen idealistic years later, so much has changed. I have no doubt that I reflect the deep feelings of unease of all of us here tonight, by saying that those heady days are no longer with us, and that we have reached a profound and troubling crossroads with evidence all around us that there has been an erosion in the global commitment to human rights.

What has happened? The commonly repeated catchphrase after September 11 was that the world had changed and would never be the same again. The gravity of the tragedy in the US is beyond question, yet many of us were a little mystified by

that mantra about the world changing forever. We hoped it meant that the tragedy in the US would unite all nations in recognising that much of the world remained a dangerous and terror-ridden place, where wars raged in over 100 regions and where 11 countries worldwide routinely terrorized their populations with torture. No, this is in hindsight, was not what was meant –it seems that the subtext really was that the world would never be the same because henceforth, human rights concerns would be subordinated to the so-called war against terrorism. And after Afghanistan and Iraq, we now know that the War against Terrorism really means a commitment to the interminable Terror of War.

Let me list just some of the remarkable reversals in human rights we have suffered in the last few years under the new philosophy.

- A prominent Harvard professor claims publicly that torture may be justified in certain circumstances.
- Alleged terrorists, some of them minors, are held incommunicado in inhumane and cruel conditions in Guantanamo Bay, several being released without trial.
- Suspected terrorists from Afghanistan are

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diverted deliberately by Western powers for interrogation to security police facilities in countries known to use torture.

- Our own administration obstructs the passage of the Optional Protocol to the Convention of Torture, arguably the most important preventive strategy on torture ever produced by the world community. I was privileged to be asked to comment on an early draft of the protocol and was immediately struck by the quantum leap it could achieve –an obligatory undertaking by signatory states to allow independent visits to places of detention and the setting up of torture prevention committees in member countries. Hardly an objectionable idea, surely?
- Asylum seekers held in cruel, inhumane and degrading circumstances in Australian detention centres, at Manus Island and Nauru, with it finally falling to the Family Court to rule that the indefinite and non-reviewable detention of children *is* illegal in terms of the Convention on the Rights of the Child.
- The passage of a bill that will allow the detention by ASIO of persons as young as 16 years for questioning. We are assured that the system has checks and balances and will not be abused. The same superficial reassurances were given in South Africa during the Apartheid era, the end result being repeated claims of torture and deaths during incommunicado detention, the gory details of which were finally revealed in the Truth and Reconciliation Commission. That is not to say that Australia is anything like the Apartheid Regime but our willful historical amnesia in terms of our failure to learn from the mistakes of past renegade regimes is extraordinary. We seem to be cavalier in our willingness to forget the aged-old dictum that power corrupts and that absolute power corrupts absolutely. Access to the court to test the legitimacy of detention is an inviolable safeguard that we forfeit at our peril.

Perhaps most provocatively in the last few days, we have heard a talkback debate about the virtues or otherwise of Australian victims of Bali, attending the court hearings and launching verbal attacks on the accused outside a Denpasar court. This event was given far more airplay than the claims made by more than one accused that they have been tortured by Indonesian police. This corrosion of our airspace to my mind puts us as a community to the ultimate test. We naturally feel revulsion for the smiling accused chanting and waving their fists unrepentantly on TV. Yet the human rights regime is there precisely to constrain us from retaliating

and sinking to the levels of cruelty and violence that have been perpetrated.

Because the alleged perpetrators seem so heartless and lacking in contrition, can we say that they deserve to be tortured or at least that we will turn a blind eye to their claims? This is the moral Waterloo that we face – can torture ever be justified or dismissed as irrelevant given larger horrors that the tortured may have committed?

It is precisely at junctures such as these, mindful of the anguish and grief of our compatriots that we need, painfully, to reaffirm our absolute rejection of torture, a practice that is proscribed by international law under all conditions.

The lesson that this teaches us is that the regime of human rights that we guard so jealously comes at a price and may demand of us pain, constraint, sacrifice and the willingness to risk even our own security to uphold the principles we cherish. The human rights regime is not a luxury to be invoked when convenient and to be discarded when it irritates. Human rights are degraded when invoked cynically to justify removing regimes, however evil, by acts of war when embarrassingly, weapons of mass destruction are not uncovered.

To establish a genuine and durable regime of human rights we have to defend their primacy and the obligations that accompany them – human rights are inalienable, unconditional and apply to everyone, at all times and in all contexts, otherwise they have no meaning. The ultimate test of our commitment is our capacity and willingness to defend human rights in the face of provocation and threat, simply because we value beyond all else the freedoms and dignities that they offer and because we know that a society without human rights is not worthy of its name and not worth belonging to.

We need to return to the age-old dictum that an injustice to one is an injustice to all. We need to re-affirm a deep commitment to acknowledging, however painfully, that a durable peace and a genuine global security can only be achieved by extending justice, human rights and fairness to all and not through the barrel of the gun. So as a local community, what can help us through this global crisis of conscience? A good form of self-therapy is to remember and celebrate what has been achieved already. To paraphrase Gandhi, when we feel paralyzed by the scale of injustice, then the trick is to start small where we are right now. And STARTTS is well named to embody that principle.

STARTTS, the NSW torture and trauma service that I have had the deep privilege to be associated with since its birth, stands out as a shining beacon, since it puts words and principles into practice. Turning universal human rights precepts into the

particularities of every day activity – focusing our attention on helping survivors right here and now.

The underlying mission, to turn general principles into effective action, has permeated the agency from its humble beginnings. Since its inception, STARTTS has grown to become one of the largest and most sophisticated services of its kind worldwide. STARTTS has developed a model of multidimensional and multidisciplinary service that is an exemplar of practice in the field, a badge of achievement that is endorsed regularly by visitors from far and wide.

The innovative services and projects initiated by STARTTS are too numerous to recount in detail, but to mention a few:

- A groundbreaking *early intervention program* for recently arrived refugees that has pioneered brief and comprehensive interventions, and which, like no other service worldwide, is producing evidence of its effectiveness by staff undertaking a comprehensive documentation of its assessments and outcomes.
- A fully documented *Families in Cultural Transition* group program that has assisted thousands of newly arrived refugees to resettle and acculturate to their new homeland.
- A *multidisciplinary clinical program* where clients and families have access to bicultural counselors, interpreters, psychologists, social workers, family therapists, somatherapists, psychiatrists.
- A *training program* that has seen the dissemination of knowledge to literally thousands of professionals, career and stakeholder groups in the state and further afield.
- *The development of emergency programs for East Timorese and Kosovar displaced persons* arriving in the temporary Safe Haven in NSW.

The special initiatives for East Timorese asylum seekers and refugees that brought together my unit, the Psychiatry Research and Teaching Unit, and STARTTS to develop a novel researcher-advocacy program that culminated in the formation of the national consortium, PRADET–Psychosocial Recovery and Development in East Timor—that established the first community mental health program in Timor Lorosae, building a foundation for the ongoing East Timor National Mental Health Program, funded by AusAID.

And, most recently, STARTTS with the support of my unit has initiated the development of a research institute in Refugee and Post-conflict Mental Health, a fledging venture that we are all very excited about.

What does this all mean? It means that the spirit and passion to assist torture survivors and to promote human rights remains alive in New South Wales, embodied in organisations such as STARTTS and many other sister agencies working in the field. New South Wales, by supporting STARTTS, continues to endorse the principle that the best way to counter torture is by action.

STARTTS is about action – practical, skilled and comprehensive assistance to survivors of torture. And what keeps us going when our spirit flags is, of course, our clients and their communities who remind us over and over how indomitable is the human spirit even when faced with the most horrific adversity.

The only complaint I have about STARTTS is its tendency towards modesty, reflecting, I believe, the unique character of its leader, Jorge Aroche. I read somewhere recently that Uruguayans are like that – unassuming people who do not readily trumpet their achievements – I am sure that is not universally true. But the remarkable thing about STARTTS is that it gets on with its work without spending too much time waving flags or indulging in self promotional activities. STARTTS, I believe, has always taken the view that the work must speak for itself, and most importantly survivors of torture are the ones to listen to, not those presuming to speak for them. I, of course, am breaking that golden rule with comments tonight that have been all too immodest and tendentious – but what can you expect from a university professor?

So if STARTTS won't promote itself, I will have to do so. It is a special tribute to the agency that the definitive international textbook on refugee trauma and torture, to be published later in the year, will contain 3 chapters from our group, a representation from NSW that is larger than from any comparable region worldwide. Jorge Aroche, of course is one of the contributors with Mariano Coello and others. Jorge remarked recently that the title of the book, not chosen by us, did not necessarily reflect our local perspective on the field. The title is: *Broken Spirits*. The philosophy of STARTTS has always been that the spirit of torture survivors is never broken; dented, undermined and challenged, yes, but not irreparably damaged and certainly not broken.

Here, tonight, it is incumbent on us to re-affirm our strong belief that the torturer can never be victorious because the human spirit and its capacity for recovery can never be broken. It is our humble and respectful task to assist the survivor along that difficult but reachable goal of recovery. That is our privilege. ■