

# TORTURE AND DEMOCRACY

Iranian born DARIUS REJALI is a professor of political science at Reed College in the US, and an internationally recognised expert on government torture and interrogation. He has spent his career reflecting on violence and on the causes, consequences and meaning of modern torture. His work spans concerns in political science, philosophy, sociology, anthropology, history and critical social theory. His book *Torture and Democracy* won the 2007 Human Rights Book of the Year Award from the American Political Science Association. Rejali was recently a visiting professor at the School of Historical and Philosophical Inquiry at the University of Sydney. He spoke to OLGA YOLDI



**OY: In your new book *Torture and Democracy* you write about your own background as an Iranian-American trying to understand how torture was impacting on Iran and its evolution in modern times. Did political developments in Iran lead you to this subject?**

DR: Many people were interested in the question of why the revolution went wrong in Iran. I wasn't. I was only interested in the continuity of violence throughout the different political systems, and the reasons why human beings always reach out for the same tools to solve problems, when they could be solved through other methods.

I used Iran to show that while old ritualistic, public torture would disappear over time, torturers would survive and new techniques would appear, which I will call 'modern torture'. I grew up in Iran at a time when the Shah's secret police, the SAVAK, would torture Islamic and Marxist insurgents. No one thought torture was incompatible with modernity. It wasn't the first time I've heard torturers say how important they are in making their country safe for economic development.

On the other hand, everyone seems to forget that the Iranian revolution was a revolution against torture. When the Shah criticised Khomeini as backward and Islamic, Khomeini replied, "look who is talking, the man who tortures". This was a powerful rhetoric for attracting people. In fact many men and women joined the revolution because of the Shah's brutality, and Iranians remembered who helped him gain power. Torture not only shaped the revolution, it was the factor that has poisoned the relationship of Iran with the West.

**When is torture used by democratic regimes? You mention there is a demand and supply for torture.**

Torture has a long history in the world's democracies. It existed in ancient Greece and Rome. Modern democracies simply have a different history of torture, one that we often forget. Even though, the democratic record is not as bad as that of authoritarian states.

Before WWII the British, the Americans and the French all had practised organised torture. The British and French did it in their colonies, the Americans in the Philippines and internally in the US. Sometimes it was done in collusion with local officials. Other times with the approval of governments and all of this was done long before the CIA existed.

There are some misconceptions about torture. Torture won't cease when governments change. My studies of torture in Iran show that it changes the least when governments change. In fact it changes most in periods of political stability.

Many people believe that torture mostly works in war; that it arises from national emergencies, from a genuine or perceived threat. However, it normally takes place in periods of dramatic change - rapid economic modernisations, where there are vast class differences.

In democratic countries torture is also used when ethnic, religious or political divisions threaten the unity of the state, or when states target those that are not considered to be citizens, such as refugees and the marginalised. In those cases, police use

torture not so much for information but to intimidate people and make sure they don't go to certain areas of town, so streets are kept 'safe'. This happens in places like Mexico City, Sao Paulo, Johannesburg and Mumbai.

The poor know what would happen to them if they slept on the wrong bench, or walked in the wrong area. So yes, torture can actually shape the entire structure of cities without people even knowing about it.

The demand for torture can also arise from a very peculiar source: from decommissioned soldiers coming from war. Military police go to war and learn torture techniques, when they return they get jobs in the local police or security agencies where they tend to use the techniques they learnt and used in war. That has happened in France and the US.

**In the US today the debate seems to focus exclusively on the effectiveness of torture -whether it is a useful tool for getting the truth, or not. How about the broader ethical consequences of the use of torture? You mentioned there are better methods of gathering information.**

Torture does not work for information. In fact, it has a very high error rate. Statistics reveal that if you arrest 10,000 to 20,000 people and torture all of them, you might need to torture between 20 and 70 innocent people for each accurate piece of information.

Sometimes torture can generate false confessions. Juries value confessions as decisive proof, so police are happy to generate confessions for convictions in any way they can. It happened in Chicago where some African Americans were sentenced to death on the basis of coerced confessions. Police can also use false confessions as blackmail to turn prisoners into unwilling informants. Also when judges allow indefinite detention without charges, torture is almost inevitable. This is what triggered the Japanese torture crisis in the 1980s.

It is also true that torturers often hear what they want to hear. Even if torture could actually break a person, and he or she told the truth, the torturer has to recognise it was the truth, and too often that doesn't happen because torturers may make their own assumptions and may not believe the victim. Thus intelligence gathering is especially vulnerable to deception. In police work, the crime is already known; all one wants is the confession. In intelligence, one must gather information about things that one does not know. And let's say, torturers aren't chosen for their intelligence and sophistication, they are chosen for their devotion and loyalty, and they are terrible at spotting the truth when they see it.

Torture is one of the most corrosive practices a government can endorse. It destroys the victims, the perpetrators. It sets in motion corruptive forces that destroy the judicial, intelligence and military institutions. Its presence lingers for decades. We have seen the evidence right now in the US.

The good news is we can put an end to organised torture in society. This is not very hard. Americans eliminated torture from the domestic policing system in the 1930s quite effectively and

there is no reason why they cannot do it again. What is needed is clear authority to enforce the rules, punishment for infraction of the rules, regular medical inspections and legal authority to prosecute those applying it.

The question in the big debate is, how can the government obtain intelligence in insurgency warfare for counterterrorism? All of us want good counterterrorism policies, but torture is a lousy counterterrorism policy. A Japanese manual for interrogation found in Burma in 1943 indicated: "Torture for interrogation is the clumsiest method and it makes a fool of those who are prepared to use it". This was written by the Japanese. This is not something that was published by Amnesty International.

In 1942 the Czech resistance killed Reinhard Heydrich, Chief of Reich Main Security Office in Prague, to protect Czechoslovakia. Hitler wanted to arrest the killer. The Gestapo arrested all three of the assassins but to achieve that they arrested, tortured and killed 7,542 individuals including annihilating two villages. They also got 100 resistance members they were looking for. After that, Heinz Pannwitz, Head of the Anti Sabotage Section suggested public cooperation would be a better means of obtaining information. He said "build rapport and put out a reward". Shortly after, the Gestapo received about 100 tips from local people. The chief of the Czech resistance himself walked into the Gestapo headquarters and betrayed the entire operation. He collected the reward and lived happily until the end of the war, when he was executed for treason by his own people.

The Gestapo used informers in many other countries during its occupation. Unfortunately they used torture again when they started to loose the war. Post-war studies proved the Gestapo was correct. If you don't have public cooperation the chances of even solving a crime falls to less than 10 percent.

So torture is not only a bad source of intelligence, but also destroys the only thing that we know works: public cooperation. So, collaboration interviews, soft skills, and engaging with those that defect and cross over, are the techniques to use. The British used them during WWII and managed to catch 42,000 individuals across the channel without torturing anyone of them.

**You have described torture as a craft, a profession that is passed on from one another. What types of torture techniques are most used today and where did they originate?**

Soldiers learn how to torture from other soldiers. Like any other crafts, torturers acquire certain habits, certain ways of doing things. That is why different nations use different techniques. One of the things about torture is that there is great consistency, even in the absence of schools for centralised training.

The most popular are the French and Anglo-Saxon techniques. The French style combines electricity with water. The Anglo-Saxon style uses a combination of stress positions, sleep deprivation and exhaustion exercises.

The French techniques were initially used by the French in their colonial outposts in 1931, and were adopted in other places. They were also used by the Nazis, who picked them from the

Vichy police. The first case of electro-torture documented in the US was on anarchists in New York in 1910. These clean torture techniques were initially used by slave traders to punish slaves without leaving any scars on their bodies since scars reduced the price of slaves.

The Soviet model involved psycho-prisons, where prisoners were falsely diagnosed with a mental illness such as schizophrenia and were subjected to extremely painful medical procedures. This is no longer used.

Sleep deprivation reduces the ability of the body to tolerate pain. It causes aches on the lower part of the body and makes victims more sensitive to the pain caused by heat, electricity and punches. This is applied in combination with stress positions. Sleep deprivation, among other things, produces hypnotic effects. That is why the Spanish inquisitors never used it.

Today the scarring techniques are less valuable. In the age of human rights many people can document torture and expose governments. So clean techniques are the ones most used.

Allegations of torture using clean techniques are less credible since there is nothing to show for it. People will react more to what they see than to what they hear. You can protest against violence that you can see, violence you cannot see, it is more difficult. Would Americans have been outraged by the Abu Ghraib torture without the pictures?

There is no sharp line between international and domestic policing and what happens out there will always come back home. Electro-torture spread among police forces around the world in the 1960s. The number of countries using it doubled within a decade. It spread in Latin America and the Middle East in the 1970s, Asia and Africa in the 1980s and in Southern and Eastern Europe in the 1990s.

Waterboarding was used by the Americans in the Philippines in 1905. In the 1920s this same technique was used in police states in the American South. Likewise, torture techniques used in Chicago had been introduced by the Americans in Vietnam. And techniques used post-9/11 had been used in detention centres overseas and immigration prisons in Miami in the 1990s. So that is how these techniques spread around. So I would say that usually torture has a 20-year shadow.

**In your book you write about the professionalisation and de-professionalisation of torture. You write that clean torture has become increasingly sophisticated, and as a result, needs the input of professionals like doctors, psychologists, even lawyers. On the other hand torture has a de-professionalisation effect as well.**

When torture is clean there is a requirement for an expert to determine the damage done or not done on the victim. Doctors have ended up being on the front line. In fact they have become dangerous. Many doctors and psychologists are horrified to see their peers implicated directly or indirectly in the practice of torture. This has led to the polarisation of the entire medical profession. The professionals most at risk are those that work in prisons, or for the state.

Nowadays both sides are using doctors. Organisations such as Amnesty International use them to forensically identify the use of torture. States also use doctors to hide the effects of torture.

Doctors can also become the greatest risk to the state if they decide to speak up and release medical information. They can also be powerful forces that can help the cause of human rights as well. Most people seem to forget that among the reasons that led the British Labour government to its collapse in the early 1980s was the prison doctors, working in Northern Ireland prisons, when they released to the press reports about routine torture and systematic abuse occurring in those prisons.

Torture has a well known de-professionalisation effect as well. During the Bush administration many professionals were so disgusted with what was happening that they retired in large numbers from the CIA and FBI. The de-professionalisation effect is still present in the CIA.

When governments authorise torture a split always occurs. In some cases many people are drawn to government service because they want to be the 'Jack Powers' of tomorrow. In the 1970s the Brazilian military turned on its own torturers recognising that torture leads to military indiscipline, black marketeering, and bureaucratic revolution when military units refuse to take orders from generals.

On the other hand, once you have people whose careers have been wrapped up in some form or another in the authorisation of torture, you have within the bureaucracy a group of people who are deeply resistant to any kind of investigation or reconciliation. Argentina has had to face military insurrections whenever these cases come public. The same thing happened when De Gaulle decided the Algerian war was a mistake and wanted to put an end to it. The resistance within the military was so enormous that it nearly brought the Fifth French Republic down.

At least the US military is not resistant to any investigation. This is a good sign.

**How is President Obama dealing with the torture legacy that he inherited from the Bush Administration? A month after making public once-classified Justice Department memos, detailing the Bush Administration's coercive methods of interrogation, he has indicated he won't disclose them. Also he says he will seek to block the court ordered release of photographs depicting the abuse of detainees held by US authorities abroad. Why is that?**

The reasons are twofold. First he got pushed back by General Taguba who was part of the Abu Ghraib investigations. He said to Obama "If you are going to fight in Afghanistan you don't want to undermine military enthusiasm". Also, Prime Minister Maliki from Iraq opposed the release. He told Obama that as soon as the photographs were released the security situation in Iraq would be destroyed. He had to calculate the consequences of all that.

There is plenty of evidence that torture was systematically used by the US military because techniques, used in Kandahar by the various units of the infantry division, were brought by them to Iraq, and were used in Guantanamo. When we have multiple

accounts of torture being applied in different places, using the same techniques, with a high level of consistency, we can say that torture was in fact a standard operating procedure. There is also evidence that the US military copied CIA techniques.

Those memos, even if they didn't cause the torture crisis, they were cover-ups. The cover-ups are always worse than the actual authorisation, as it shows that people had set out to lie and deceive. The problem with many of the documents is that they are written in this hyper-legal language that doesn't describe precisely what actually happened on the ground.

Once a government authorises torture three things happen: the number of people you are allowed to torture increases, the number of techniques used also increases and the units that authorise it increasingly become less responsible. This happened with the Gestapo. Memos of the Gestapo showed the difference between what they intended to do and what actually happened on the ground.

Most people think that torture only affects the victims but it also affects the perpetrators. People don't realise there is such a thing as 'atrocious related trauma' or secondary trauma. Soldiers are vulnerable to secondary trauma. They hold it back and don't seek help but are haunted by it. Many carry the guilt and tend to abuse drugs and alcohol. No wonder the suicide rates among returned soldiers is going up.

So many returning soldiers are a danger to themselves and to others and there is no funding for treatment. About a month ago when a sergeant was admitted for psychiatric treatment, he thought he didn't need to be there and shot some of the psychologists and patients. This is a dangerous and deeply explosive situation.

Many doctors don't differentiate atrocity related trauma from other types of war trauma. That is part of the problem. To acknowledge that someone has atrocity related trauma is to acknowledge a war crime. This is not possible within the structure in the military. There are also reports that indicate there is pressure for psychologists not to diagnose soldiers with post-traumatic stress disorder because it would mean the soldier is unfit for command and duty, and there is tremendous military pressure now because generals want their soldiers right at the front.

**There has been an unprecedented shift in the US with the election of President Obama, who appears to be determined to eradicate torture in the US. How challenging is this going to be?**

I have spoken on the subject of torture across the US since 2004. When I began speaking in New York and San Francisco or Chicago I would attract a crowd of 100 or 200 people. Gradually I received invitations from what I would call 'small town America', places where the kids go to war and not all come back. These are towns in Kentucky, Connecticut, Pennsylvania, Indiana, etc. Crowds, in these places, came in by the hundreds.

In these towns soldiers are very worried and so are their families and that is when I began to think last spring that Obama was likely to win because when you see changes like this in places

like that, it means there is a fundamental shift happening.

Middle America is grieving, that is why they come to talks on torture. Among liberals there is a desire to remain pure and strong, so they want to find out who dared order torture.

Obama thinks there is a red button in the White House that he can push and make changes. He thinks torture is a policy. However once torture has been introduced to a point of being systemic, it becomes institutionalised and part of the culture and once it is an institution it is difficult to eradicate. It is not just a matter of changing the policy. The fight against torture remains the fight against a culture and a set of institutions that are well built in society. So, I think he underestimates the challenge he confronts right now and he is somewhat optimistic.

Politics are 50 percent attitude and 50 percent luck. He could be terribly unlucky if there were a terrorist attack, then it would

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be nearly impossible for him to make the reforms he has talked about, because so many people would be pushing for Bush's policies. During the Bush Administration there wasn't a single poll that showed Americans were pro-torture. Most Americans, whether Democratic or Republican, were against it. However the first poll that showed there is a pro-torture majority happened last week. This shift has happened after the election. Americans are more afraid now with Obama than they were with Bush. It's depressing.

It may have nothing to do with international politics. It might have to do with economic insecurity, with them losing their jobs. I think people want every kind of safety they can have.

In the US nobody is talking about the need to introduce legislation to change the definition of torture in American law, back into conformity with the definition in international law. Torture in the US is still defined as something involving bodily organ loss, the loss of a limb or something like that. Obama could easily raise this and bring it to Congress.

Neither is anybody talking about the need to amend the *Field Manual for Army Interrogation* Section 24-35 back to its previous status before Bush ordered to change it. Nobody has talked about revamping human rights training in the army, which has obviously failed. There is a need to find out why the criminal investigation division repeatedly failed in proving allegations of torture. On the other hand whistleblowers that have spoken about torture are living in anonymity and fear for their lives. In the middle of all this we are worried about Guantanamo and whether it should close.

**Human rights organisations have been very successful so far in the fight against torture and other human rights violations. How effective do you think they will be in the near future?**

Human rights organisations have suffered a massive blow from the economic downturn. They are heavily funded by

foundations and private donors so in low economic cycles their capacity to do things has been limited. At the moment they are operating with undergraduates who are gathering data on countries where they don't even speak the language.

We are now dealing with a situation where both funding to undertake the kind of human rights monitoring needed, and the political situation that enables them to gain traction, have been disappearing in the last 20 years. Before 1990 it was easier to negotiate with two superpowers than it is now with one.

In the future, most wars the US will be involved in, may involve insurgencies, so interrogations might be outsourced to private security agencies to reduce the visibility and culpability of the US government. Private security agencies are not accountable to anyone. So this will constitute a very serious challenge for human rights organisations.

Interestingly, the firm of Susan Burke in Philadelphia has now undertaken a corporate liability law case against two security firms that were used by the US army for interrogation purposes. She represents 200 Abu Ghraib prisoners who have serious life problems for the rest of their lives as a result of torture and these are rich corporations so they should pay up. If she wins, this will be a major stepping stone in bringing to justice those private security companies that tend to profit from the misery of others and are accountable to nobody.

**Many Americans are unable to understand why torture in Abu Ghraib was viewed as being so cruel and utterly horrible, when Saddam Hussein was notorious for killing and torturing his own people. What do you think these photos represent?**

What can you say about the piles of naked bodies placed in a sexual pyramid? What the Americans did was adding humiliation to defeat. They violated something that is fundamental to anyone, whether Christians or Muslim. It was shocking, no wonder many of the victims thought they couldn't go back to their homes because to add nakedness to pain is considered to be one of the worst things.

During the Roman period crucifixion was considered to be one of the worst punishments because it violated a few of the most fundamental and basic moral values on which civilisation is based: It replaced justice with revenge of the crowd. It introduced public humiliation into acts of injustice. It left the dead to be eaten by animals. It did not allow for the bereavement of families. Crucifixion was viewed as the most horrific way of dying. It added such humiliation to the execution of justice and even denied people the civility of their own burial. It is interesting to know neither Christians nor Muslims nor Jews did crucifixion after the Romans. So we all have a clear idea as to what kind of punishments are appropriate for the dignity of a human being. ■