



What Should We Do About Torture?

The Chao Ponhea Yat High School complex in Cambodia was converted in August 1975 into a prison and interrogation center. PHOTO: Iñigo Arza

HEALTH

To mark the International Day in Support of Victims of Torture (26 June), STARTTS and Amnesty International brought together a panel of experts to discuss the question: “What should we do about torture?” DANIELLE CELERMAJER, Director of Sydney University’s Human Rights Program, and Torture Prevention Project researcher ALOYSIA BROOKS spoke about how we can try to prevent torture. Here are edited extracts of their speeches.

Associate Professor
Danielle Celermajer

I will begin my remarks not by talking about torture in far-flung places, but by pausing for a moment to reflect on the role that torture has historically played in the projects of imperialism and colonialism, and as such, in the settlement of this country.

We will 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, or of authoritarian nationalism.

If we are going to think about prevention, we need to move beyond individualising discourses and analyses to place torture back in the context of the politics of domination.

Reading back over the history of imperialism, we see that the systematic physical and psychological degradation of Indigenous peoples was one of the key mechanisms colonial administrators used to tame occupied countries for imperial rule, in an effort to annihilate the pre-existing sovereignties and systems of law.

This was the case in Asia, the Americas and Africa. And it is true for the neo-imperialisms of today, including those carried out by multinational corporations (MNCs). 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:

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 colonisers could prove to themselves that Indigenous people were less than human, and as such, that invasion and violations of human rights 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 monkeys ... 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.*)

It is also an irony worth noting that imperial powers have always drawn and imposed distinctions between

the apparently ‘civilised’ forms of violence they inflicted, always in the name of some higher cause (civilisation, security, public order, the introduction of democracy and the rule of law), and the ‘uncivilised’ forms of violence of the natives.

And I am 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 am 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 perpetrated 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 International Covenant on Civil and Political Rights and the Convention Against Torture, the prevalence of torture is 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 perpetrators – a style of advocacy that human-rights organisations have traditionally adopted, I would suggest that 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. But I do want to make some observations that I think might assist us in developing such a strategy over the longer term.

First, as I indicated, 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

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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 Sinhalese.

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?”

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 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 beat and kick 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 practised 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 practising them.

Prevention thus requires that we understand how people come to experience their world as one in which torture is acceptable.

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 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.

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.

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 also in the broader cultures of societies whose governments are engaged with the projects of neo-imperialism and rabid nationalism.

Aloysia Brooks

Tonight I want to speak to you briefly about the social conditions that give rise to torture – of which there are many. But at the core of all brutal acts that are perpetrated against other human beings, are a few central concepts – such as a dehumanisation of ‘others’, and the normalisation, relabelling or ‘softening’ of torture or extreme violent acts.

We have plenty of others in Australia – those who are spoken of as inconveniences, as threats to national security, those who practice different religious and have cultural backgrounds, the boat people, or those who are suspected of crimes such as terrorism.

Studies into conditions that give rise to torture or extreme violence demonstrate that, once someone is labelled as different from us, then it becomes easier to hurt them or outcast them from the community. Once someone is labelled as different, they are unlike you or me, or our brothers or sisters – they become individual objects, devoid of human qualities – almost animalistic to the torturers or to those who permit torture.

This was one of the main features of the debate sur-



Discussion Panel: Jorge Aroche (STARTTS), Aloysia Brooks, Katie Wood (Amnesty International) and Danielle Celermajer.
PHOTO: Richard Walker

rounding torture and its use in Australia, particularly over the past 10 years. A 2006 BBC World Service study found that 59 per cent of people surveyed in 25 different countries are opposed to torture. According to the results, acceptance of torture appeared to coincide with countries that experienced high incidences of political violence, such as India and Israel.

Whilst the same poll found that a majority of Australians were opposed to torture, more recent research indicates a change.

Since 2009 in particular, there has been a startling shift towards pro-torture thinking that appears to correlate with the impact of the fear-based rhetoric that permeated the so-called ‘War on Terror’.

A 2009 Red Cross study found that 40 per cent of Australians, and 50 per cent in the Australian Defence Force, thought it was acceptable to torture ‘captured enemy soldiers’ in circumstances where they are looking to obtain ‘important military information’.

These results parallel studies carried out in the U.S. which demonstrate an increase in pro-torture views since the election of President Obama. Torture expert Darius Rejali believes that this is due to the fact that

torture has now become a partisan political issue in light of the social context post 9/11.

But I also think that there is another element to this, and that is the public ‘softening’ of some torture techniques. There is a general misconception out there in the population that torture must be a physical act, such as pulling fingernails, or severe beatings. I think these recent views can partly be attributed to the discourse surrounding torture post 9/11.

Particularly when the Bush administration’s lawyers attempted to redefine torture as only reaching that threshold if it was ‘intentionally’ inflicted, and the physical pain must be, and I quote “equivalent in intensity to the pain accompanying serious injury, such as organ failure, impairment of bodily function, or even death”.

But it wasn’t just the US. In Australia too, we saw comments from our former attorney general Philip Ruddock stating that sleep deprivation was not torture, even though we know that it is one of the worst forms of torture because of the devastating psychological impacts it can have on someone.

The Istanbul protocol, which is the Manual on the

Effective Investigation and Documentation of Torture, notes that “The absence of physical evidence should not be construed to suggest that torture did not occur, since such acts of violence against persons frequently leave no marks or permanent scars.”

The use of so called ‘clean torture’ or what has appallingly been labelled ‘torture lite’, has been employed by democratic governments simply because they leave no physical scarring – but that does not mean that the scars on the mind are any less destructive – in fact, experts believe that psychological techniques can have a much more detrimental impact on the survivor.

It is this kind of softening of the language around violence that not only leads to the normalisation and institutionalisation of certain torture techniques, but also creates an environment that discredits those who speak about the torture inflicted on them but lack physical marks. Even more devastating, it creates a social context that explicitly condones torture.

But sometimes acceptance of torture is much more insidious and implicit. Whilst you might have public figures condemning torture, there are sometimes qualifications that come along with it – particularly depending on who it is who is providing the torture testimony.

The media is the most complicit culprit in this. There are numerous examples of the media re-framing torture allegations effectively into whether the person was ‘deserving’ or ‘undeserving’ of the treatment, and is usually synonymous with guilt or innocence.

After the photos showing the tortured men of Abu Ghraib were published in 2004, research into media framing suggested that the Australian media took much the same line as the media in the U.S. and referred to the actions of the military as ‘abuse’ and ‘mistreatment’ rather than torture – the framing also appeared to push the notion that believes that if something bad has happened to you, it is because you have done something to deserve it.

This has extremely destructive impacts on the way that a community thinks about torture, as well as the devastating impact on survivors and victims, when they feel discredited and marginalised. It also paves the way for fear-based rhetoric to saturate the human-rights debate.

We have seen the subjugation of human rights particularly in the past ten years, as we have been told that

limiting human rights is necessary to protect the community. This is not the case – in fact, it is the distinct opposite.

So then, if we are to address the underlying causes of torture, we have to start by regaining a sense of community and by recognising that if one person is suffering human-rights abuses, we all are. If it is our brother, sister or loved one who is being tortured, its impact is much more personal and profound to all and it becomes unthinkable.

Until we start thinking as a global community that our humanity is the common denominator, we will continue to see atrocities such as torture on an international scale. There must also be a response to torture at the public and political level when torture has been exposed.

I am not suggesting that shaming the perpetrators is the answer – but a more basic response, an acknowledgement and remorse that this has been perpetrated against a fellow human being, rather than a distinct move to cover it up, discredit the survivor and create a further silence around torture. But this requires courageous leadership – one that promotes inclusion and diversity rather than capitalising on people’s fears.

“Torture has now become a partisan political issue in light of the social context post 9/11”

Darius Rejali

Creating a ‘human-rights culture’ is also an important part of prevention – what does that mean? Well, whilst passing federal human-rights legislation is important, it is

not enough. We have to understand what torture is if we are to address it, as well as harnessing political will. We have to name it and condemn it, no matter who is perpetrating torture, or who the victims are.

For torture survivors, regaining trust in other human beings and re-establishing connection with the community can only occur through validation and by creating a safe space where healing can occur. That safe space cannot be one that says it is okay to torture the ‘others’.

Above all, my message is simple. It is your brother, your sister, your child, your husband and your wife who is being tortured in a dark and lonely place right now as we speak. We must pull down the barriers between ‘us’ and ‘them’ to create a sense of community and common humanity if we are to address any element of torture – we have to learn about it, call it out and expose it, and remove its power. R