

The fight against torture should preoccupy us all

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Carla Ferstman

Torture is a calculated act of cruelty and brutality that degrades us all and weakens the rule of law. On International Day in Support of Victims of Torture, let's eradicate complicity with torture.



Single Man. Credit:

Omar Daffalla Ahmed, 2016. Today is the United Nations International Day in Support of Victims of Torture. It is a day that celebrates the coming into force of the UN Convention Against Torture, on 26 June 1987, now 31 years ago. It provides an opportunity to stand in solidarity with survivors of torture and to reflect upon the practical ways to help them and to end this horrific crime. It is also a chance to underscore what is well known: torture is a calculated act of cruelty and brutality that degrades us all and weakens the rule of law. No-one should be complacent about torture.

This reflection on the need to eradicate torture and support survivors should be happening here in the United Kingdom, just as it must be happening elsewhere.

A strong and consistent anti-torture stance in foreign policy is vital for the government's work to promote respect for human rights around the world. This means that the government should not only voice its abhorrence to torture but actively engage its partners. It should voice its objections to torture to those who laud its use, should refrain from providing material, selling specialist equipment or providing training or other assistance to foreign governments that could be used to foster the practice of torture, and should distance itself from joint intelligence work with regimes that regularly resort to torture during interrogations.

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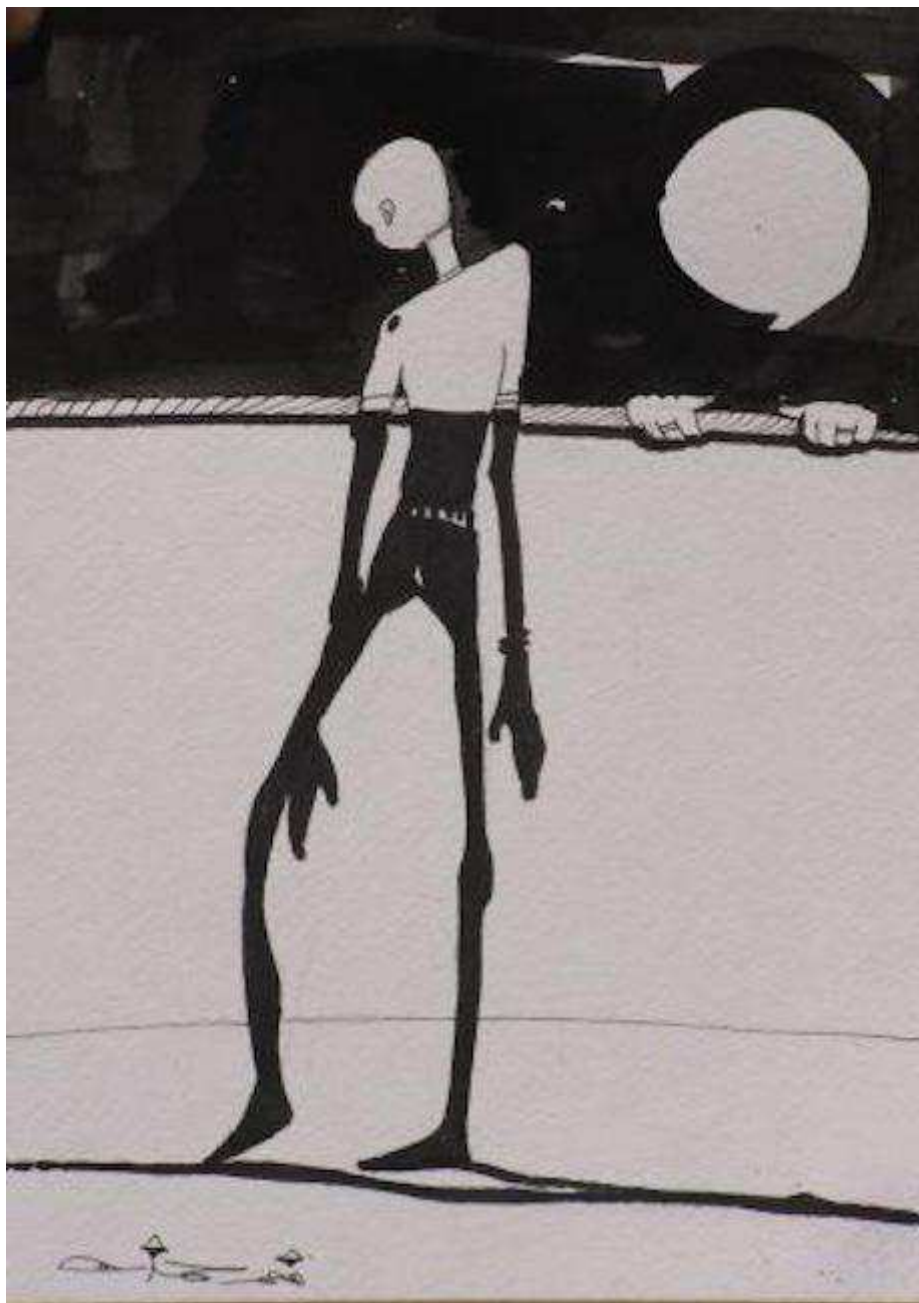
A strong anti-torture stance is also crucial to protect the numerous Britons who are arbitrarily detained in countries around the world, many at risk of torture and other cruel treatment. It is estimated that over 5,000 British and dual nationals are arrested and detained abroad at any given time. Many are at risk of or actually suffer torture and other ill-treatment while in detention – these are people like Nazanin Zaghari Ratcliffe in Iran, and Andy Tsege in Ethiopia.

In both cases, the UN Working Group on Arbitrary Detention has called publicly for their release. It is important for the UK government to do the same, and to impress upon those detaining countries that it will not tolerate such treatment of its nationals under any circumstances. The government should be looking to intensify its demarches. It should not be satisfied with the status quo: families separated from their loved ones, fearing the worst about their treatment.

Today, we are also reminded that support and assistance to victims of torture, and those at risk of torture is not a negotiable principle. But there is a tendency to treat this commitment as optional.

- Many women, men and children fleeing torture in their home countries have not received protection in the UK, and the Government has continued to resist calls to take more responsibility for hosting refugees. Some vulnerable torture survivors have been subjected to lengthy periods of immigration detention, despite rules which outlaw the practice. The Government has also signed agreements with countries that regularly resort to torture, like Morocco, Lebanon, Jordan and Ethiopia, to facilitate the transfer of undesirable persons to those countries, even though the persons would be in danger of being subjected to torture.
- All survivors should have access to rehabilitation services and specialist medical care, but this is not uniformly in place, despite the huge needs survivors face.
- Restrictions with access to legal aid and tightening of judicial review procedures have reduced access to courts which has impeded many survivors' access to reparation for the harm they suffered, as have immunities and other procedural bars.

All credible torture allegations should be investigated and prosecuted where the evidence so supports, including all those who encouraged, ordered, tolerated or perpetrated the acts. And, access to independent court should not be curtailed, regardless of who the alleged perpetrators or victims are. But certain criminal investigations into torture allegations have been disbanded, and accountability has been obfuscated further by inquiries that have stalled or ended prematurely, with the remnants of investigations passed on to much less independent internal investigatory processes.



Piece no. 20, 2005,

created as part of the group "Artists for Human Rights". Credit: Khartoum Center for Human Rights & Environmental Development.

- The Iraq Historical Allegations Team (IHAT), established in 2010, has effectively closed, with the remaining investigations, including that of Baha Mousa's death following brutal torture in detention, to be taken over by the Royal Navy Police.
- The judge-led Detention Inquiry (the Gibson Inquiry), set up in 2010 to look into whether UK security agencies were complicit in extraordinary rendition and torture, was prematurely terminated in 2012, and later transferred the Intelligence and Security Committee (ISC). The ISC inquiry remains pending but with little publicly known progress, hampering the public's right to know what happened, and impeding the learning of lessons to avoid recurrence.
- Similarly, independent inquiry processes for serious conflict-era crimes including torture in Northern Ireland have been piecemeal.

As the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has noted in relation to Northern Ireland, but which could apply equally to other inquiry processes: “it is critical to direct attention to instruments that might capture the more “structural” dimension of violations and abuses, so that victims and society received answers on whether the violations were part of a pattern reflecting a policy under the responsibility of institutions with identifiable chains of command.”

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The arrest of former Chilean President Augusto Pinochet in London, now almost 20 years ago, underscored the principle that torturers could not escape justice, no matter how hard they may try. There should be no safe havens for torture. But there have been only a few prosecutions in the intervening years – the trial of an Afghan warlord and a Nepali military officer. Special mission immunities have increasingly been used to protect officials from friendly governments such as Egypt and Israel, faced with the threat of arrests.

Eradicating torture and supporting survivors requires a series of interlinked measures, alongside long-term commitments. Work on only part of the picture can serve to impede progress as a whole. It is important for the government to stick firm to the principles underpinning the values it espouses.

The Brexit process, the plans for a new Bill of Human Rights and the stated intention to derogate in future from the European Court of Human Rights to restrict the application of human rights during conflict, these should not be allowed to erode the crucial protections that are now in place. We all have a role to see that rights are strengthened, not eroded.

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