

RESPONSE

The Struggle against Torture: Universal, Timeless but not Inevitable

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The powerful, heart-wrenching voices from Iran, El Salvador, Honduras and Sri Lanka included in this issue tell an agonizing and sadly universal tale. It is a story about the brutal and soul-destroying experience of torture. It is also a story about the remarkable capacity of the human body and the human spirit to survive and even triumph over that brutality. It is a story that takes us back to the nightmares of imprisonment and unspeakable violence these women and men experienced over twenty years ago. But it is a story also very much anchored in today's global realities, particularly the debilitating setback in the struggle against torture that the world has experienced in the years since September 11, 2001.

That human beings have tortured fellow human beings goes back, of course not just years or decades, but centuries and millennia. Torture, in countless forms and guises, has been used by tyrannical emperors and fascist dictators, by the police and security forces of democratic governments, and by various liberation movements, guerrilla groups, and terrorist organizations as a means of spreading fear, forcing compliance, obtaining confessions, degrading real and perceived opponents, or simply as a means of punishment.

In their wake, torturers have left millions upon millions of victims, not only those who have endured the beatings, mutilation, rape and other abuse, but also their families, particularly children and spouses. The horrifying reach of torture is so poignantly clear, for instance, in the accounts offered by Osiris López regarding her long struggle to come to terms with the torture and eventual killing of her father in Honduras, as well as Saeideh's description of enduring torture sessions with her young baby alongside her while the torturers inflicted their vicious deeds. And there are of course countless men, women and young people who have been forever silenced because they have not survived the horrors of the torture chamber, having died in prison or soon after their release.

It is a long and harrowing history of violence and suffering. There has, however, been remarkable and steady progress in the effort to eradicate torture over the past sixty years. Importantly, in 1948 the Universal Declaration of Human Rights included a provision clearly banning torture, no exceptions. Numerous international treaties, as well as national constitutions and laws have followed – all unequivocally declaring

that the torture of anyone, anywhere, for any reason is unconditionally prohibited. There never is an excuse.

That is all good. But these anguished stories of torture in four countries, from the mid-1970's to the late 1980's, remind us with courageous honesty, that all of those fine words have far too often been nothing but cruelly unfulfilled and cavalierly disregarded promises. When it comes to torture, the law has been clear. But the law has been powerless. In Iran, El Salvador, Honduras and Sri Lanka – in fact in a legion of countries on every continent – torturers have continued to claim more and more victims, protected by a shield of impunity that ensures they will face no consequences and will not be held accountable for the grievous crimes they carry out.

What is particularly chilling from these accounts from countries half-way around the world from each other and spanning over fifteen years is the haunting universality of the story of torture. First is the universality of the torturer. Torturers justify their horrific acts, at least to themselves, by dehumanizing their victims: the “son of a bitch” in El Salvador or the “infidel” and “non-believer” in Iran. Torturers hide themselves by blindfolding their victims; they torment their sightless victims by ensuring that they hear the agonized cries of pain of other prisoners being tortured around them. Torturers do not only attack the body, they attack the mind, heart and soul – it was so telling to hear time after time in these stories the ways in which torturers in all four countries threatened the safety and well-being of loved ones as a means of breaking the will and spirit of their victims.

What is also striking in these stories – at times very sorrowful, other times deeply inspiring – are the common threads that mark the experience of surviving torture. We read remarkable accounts of resistance and determination, but also of feeling plagued by a sense of guilt that may last for many long years or decades. There is affirmation of the importance of solidarity and how the smallest acts of kindness can become a very lifeline to survival. Particularly telling in all of these stories is the constant theme that “imprisonment” did not end with release from prison and freedom from their torturers. All recount ongoing imprisonment outside prison walls – be it at the hands of abusive spouses, a repressive society, further arrest, ongoing threats and continuing nightmares.

All eventually found it necessary, therefore, to escape. For these women and men that escape was to Canada. But it was not easy. Canada did not always initially respond with a warm welcome. Osiris López's father, in fact, was turned down by Canada, ended up back in Honduras and paid with his life. Mino Homily escapes from Iran to Turkey, where

her claim for protection was initially rejected, though later accepted, by the UNHCR. And while all express deep appreciation for the safety of refuge in Canada, all make it clear that the years of living here, healing from the deep scars of torture, have also been marked by torment and hardship. That has included the challenge of adjusting to a new land and a new culture, painful marital and parental difficulties, and struggles to cope with the long-term physical and mental impacts left behind by torture. In Orisis López's case, Canada, her country of refuge, was even also – for a while – the place of refuge for one of the men responsible for her father's torture and death. The observation that escape is always fraught with challenges certainly comes through as a stark common thread that binds all of these women and men.

In the end, what is uplifting and humbling to read are what the reflections all offer on fundamental values such as justice, forgiveness and service to others. And for all, those concepts all become central in the journey of survival and even triumph. All talk about the importance of justice, for instance, but not in a punitive or retributive spirit. Clearly for these survivors, justice is important because, more than anything, they believe that it will help to account for the past, ensure the truth is told and hopefully reduce the likelihood of others suffering their same fate. And all the authors in this issue have become deeply committed to finding ways to aid and assist others in the broader effort to safeguard and protect universal human rights – as women's rights advocates, as a counsellor for torture survivors, as a community activist, as a social worker, as a human rights campaigner, and as a lay minister. Their journey towards overcoming the deep injustice of torture lies in helping secure justice and well-being for others.

These stories are universal. Perhaps the even greater disappointment is that they are also timeless. The bitter reality of their timelessness is brought home when viewed against the backdrop of the decade that has just come to an end. We began this past decade of the 21st century faced with a world in which the laws and promises about ending torture were strong and were clear. The challenge was to force governments to finally comply with those laws and deliver the promise of a torture-free world. We see that challenge in these cautionary tales from Iran, El Salvador, Honduras and Sri Lanka.

But then in the aftermath of the horrifying attacks on September 11th 2001, the challenge became much wider and in many respects, more sinister because in the years since, the struggle has reached beyond forcing governments to live up to the promise of ending torture. The struggle has been to shore up and defend the very promise itself. For more

than eight years now, we have faced a debilitating debate about whether torture should, in fact, be unequivocally and universally banned. Instead of redoubling our efforts to confront and do away with torture, we have had to respond to assertions that some torture might be necessary to serve a greater good – such as fighting terrorism – and absurd semantics about whether particular types of abuse, such as waterboarding, even constitute torture in the first place.

We have also watched governments try to circumvent their own responsibility for torture by allowing or even encouraging officials in other countries to carry out their dirty work and then denying any knowledge or involvement. In some instances, they try to pave the way by obtaining assurances from those other governments, regimes very well known for their frequent resort to torture, that this time prisoners will not be tortured. One can only imagine what the women and men whose stories are told in this volume would feel about relying on promises provided by torturers. They would see it for what it is – an end-run around the law and an almost certain back door ticket into a torturer's waiting arms.

The issue of complicity in torture has very much marked the debate here in Canada. A growing number of Canadian citizens – Maher Arar, Abdullah Almalki, Ahmad Elmaati, Muayyed Nureddin, Abousfian Abdelrazik and Omar Khadr – have been abandoned to torturers in Syria, Egypt, Sudan and Guantánamo Bay. Numerous foreign nationals have been subject to unfair legal proceedings through the immigration security certificate system, with the eventual prospect of deportation to a serious risk of torture in such countries as Algeria, Syria and Egypt. Prisoners, apprehended by Canadian soldiers in the course of military operations in Afghanistan, continue to be turned over to Afghan authorities despite the notorious prevalence of torture in Afghan prisons and the frequent warnings from Canadian officials to their superiors as to how real that risk was. It is illegal and a moral shame to torture. It is also illegal and a moral shame to turn a blind eye to torture or, worse, to aid and abet the torturer in the commission of their crimes.

Perhaps most worrying of all is that these recent challenges to the very principle that all torture is to be condemned at all times have come at the hands of the United States, the United Kingdom, Canada and many other governments that have traditionally been the most forceful and reliable voices taking a stand against torture. Champions now silenced by their own complicity. When it comes to fighting torture, the world needs more champions, not fewer.

These eight stories of torture all unfolded before September 11th 2001. They could not more forcefully remind us today, though, why it is so

crucial to stand vigilant and unwavering in defending the absolute ban on torture. That means rejecting assertions that a little torture might be necessary to shore up a government, enhance security, fight crime, put down an uprising, or any other excuse. Be it Iran, El Salvador, Honduras or Sri Lanka in the 1980's or Syria, Afghanistan and Guantánamo Bay today – giving the nod to torture is not only unjust, it is ultimately insecure. It creates more victims, more suffering and more resentment. We remain trapped in the cycles of violence, repression and revenge that lie at the heart of human rights violations, war and terrorism. We must break those cycles, not deepen them.

And there are concrete steps to be taken. One is to break the secrecy that shrouds torture and makes it so easy for the torturer to go about his work. In 2002, the United Nations adopted a new Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. The Optional Protocol establishes a new international and national level system for inspecting detention centres, all with an eye to identifying and eliminating the conditions that breed and encourage torture. But seven years later, a paltry fifty countries have officially signed the Optional Protocol, binding themselves to the new inspection regime. Canada is not among them. Getting on board must become a priority.

There is also still far to go in ensuring that torturers face justice and are held accountable. International and national laws and courts generally have fairly sweeping jurisdiction to bring accused torturers to trial, no matter where the torture may have occurred. But more resources and more political will are needed to ensure that charges are laid and proceedings go ahead. It is still far too easy and commonplace to commit torture and get away with it in our world. That has to change.

This past year has been one of hopefulness that with the election of President Obama the debate about torture and security has finally been turned around in the United States. But ambiguity and uncertainty lingers. The authors in this issue – Adrian, Saeideh, Osiris, Ezat, Minoo, Anahita, Krishna and Daniel – have very powerfully reminded us that there is a devastating human cost to torture. They also powerfully demonstrate what can and must be done to stand up to torture and work for justice. We all owe it to them to join them in that effort.

ABOUT THE AUTHOR

Alex Neve is a lawyer, with a Masters Degree in International Human Rights Law from the University of Essex. He has served as Secretary General of Amnesty International Canada since 2000. In that role he has carried out numerous human rights research missions throughout Africa and Latin America as well as within Canada. He speaks to audiences across the country, appears regularly before parliamentary committees and is a frequent commentator in the media. Alex has served as a member of the Immigration and Refugee Board, taught at Osgoode Hall Law School, been affiliated with York University's Centre for Refugee Studies, and worked as a refugee lawyer in private practice and in a community legal aid clinic. Alex has been named an Officer of the Order of Canada and has received an honorary Doctorate of Laws degree from the University of New Brunswick.