Human Rights Watch

Torture, Former Combatants, Political Prisoners, Terror Suspects, & Terrorists

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Torture is common in Chinas criminal justice system. Recent HRW research suggests that abuses are particularly likely in Tibet and Xinjiang. In Tibet, authorities have subjected religious figures and activists to mistreatment in detention.

In Xinjiang, populated mostly by Muslim Uighurs, China has cracked down on religious practitioners and activists and subjected them to abuse in prisons and re-education through labor campssome have also been executed. Detainees have reported beatings with shackles, electric shocks, and being kicked to the point of unconsciousness.

EGYPT

Authorities in Egypt use torture on a wide scale. Suspected Islamist militants have borne the brunt of these practices, but the impunity enjoyed by the State Security Investigations (SSI) arm of the Ministry of Interior has helped to foster a culture of brutality in ordinary police work as well. The government-appointed National Council for Human Rights, in its first annual report, published belatedly in April 2005, acknowledged that torture is part of normal investigative practice in Egypt.

The defeat of the Islamist insurgency by the end of the 1990s has in no way mitigated the problem. Egyptian human rights organizations reported twenty cases of deaths in custody as a result of torture in 2003 and 2004. Of the 292 known torture cases over the past decade, the single greatest number occurred in SSI offices. In February 2005 Human Rights Watch published the results of its investigation into the governments response to the October 2004 bomb attacks against the Taba Hilton hotel and other tourist sites (URL Taba report), which included credible evidence that the SSI routinely used torture in interrogating thousands of persons taken into custody, most of whom continue to remain in detention without charge.

Despite Egypts terrible record of torture and ill-treatment, governments in the region and in the West, including the United States, have "rendered" wanted suspects to Cairo and into the hands of the SSI, in clear violation of the principle of non-refoulement. One of these persons was Mamdouh Habib, an Australian citizen of Egyptian origin captured in Pakistan in October 2001 and transferred by the United States to Egyptian custody for six months and then to Guantanamo Bay. He was released from there without charge in January 2005. While he was in Egypt, according to a court affidavit filed by his U.S. lawyer, he was subjected to unspeakable brutality, including severe beatings for hours at a time and electric shock treatment of ingenious cruelty.

Another such case was the December 2001 transfers of Ahmad Agiza and Muhammad al-Zari from Sweden to Egypt. There is considerable evidence that Egyptian security agents tortured the men during detention. Agiza reported that he was subject to repeated beatings and electric shocks, after which a cream was applied to minimize evidence of burn, and that he was at one point left chained and blindfolded for 10 days, during which he urinated and defecated on himself. He also alleged that he was made to lick food off the prison floor.

The rendition of persons to countries that practice torture has been especially problematic among the member states of the Arab League.

Of the fifty-six persons known to have been rendered to Egypt over the past decade, thirty-two have been sent there by neighboring Arab countries. In a number of cases, these renditions have involved swaps for persons wanted by the sending country, such as Yemen and Libya, where torture is also practiced. The Arab Convention for the Suppression of Terrorism, which has provided the legal framework for such renditions since it came into effect in April 1998, assumes that such decisions remain in the hands of the executive branches of the governments concerned, with no meaningful role for judicial review or attention to due process concerns in approving extradition requests. Nowhere does the Convention affirm the prohibition against refoulement: indeed, it appears intended to facilitate transfers of persons by short-circuiting torture concerns.

INDONESIA

Indonesian security forces in the province of Aceh have systematically tortured detainees suspected of supporting the armed separatist Free Aceh Movement. These prisoners confessions have routinely served as the basis for convictions in proceedings that fail to meet fair trial standards. Iinterviewees told Human Rights Watch of routine beatings and threats of beatings, cigarette burnings, and the use of electro-shock at the hands of the police and the military. Several prisoners showed Human Rights Watch scars from such torture.

IRAN

Torture and ill-treatment in detention, including indefinite solitary confinement, are routinely used to punish dissidents in Iran. Torture is often carried out in illegal and secret prisons and interrogation centers run by intelligence services, and has been used particularly against those imprisoned for peaceful expression of their political views.

The use of prolonged solitary confinement, often in small basement cells, has been designed to break the will of those detained in order to coerce confessions and provide information regarding associates. Combined with denial of access to counsel and videotaped confessions, prolonged solitary confinement creates an environment in which prisoners have nowhere to turn in order to seek redress for their treatment in detention. Severe physical torture is also used, especially against student activists and others who do not enjoy the high public profile of older dissident intellectuals and writers.

IRAQ

Torture and ill-treatment of security suspects in Iraq has not been confined to U.S.-run detention sites there. Human Rights Watch investigations, published in January 2005, found that the Iraqi authorities, in particular the Ministry of Interior, practiced torture and ill-treatment of detainees, denial of access by families and lawyers to detainees, improper treatment of detained children, and abysmal conditions in pre-trial detention facilities. Persons tortured or mistreated have inadequate access to health care and no realistic avenue for legal redress. With rare exception, the Iraqi authorities have failed to investigate and punish officials responsible for violations. International police advisers, primarily U.S. citizens funded by the Untied States, have turned a blind eye to these rampant abuses.

Between July and October 2004, Human Rights Watch interviewed ninety former and current detainees, of whom seventy-two alleged they had been tortured or ill-treated in detention. Among them were national security suspects, including insurgents, and suspected common criminals accused of serious offenses including terrorism, abduction, money laundering, drug trafficking and acts of sabotage. Methods of torture cited by detainees, principally at the hands of the Ministry of Interiors specialized police agencies, included: routine beatings to the body using a variety of implements such as cables, hosepipes and metal rods; kicking, slapping and punching; prolonged suspension from the wrists with the hands tied behind the back; electric shocks to sensitive parts of the body, including the earlobes and genitals; and being kept blindfolded and/or handcuffed continuously for several days. In several of the cases investigated by Human Rights Watch, detainees suffered what may be permanent physical disability.

Many detainees reported that police interrogators made them sign statements without being informed of the content or having the opportunity to read them beforehand. They frequently reported that they were forced to sign or fingerprint such statements while blindfolded, often at the end of interrogation sessions during which they were physically abused. Officials at detention facilities routinely denied relatives and defense counsel access to detainees.

ISRAEL

Abusive interrogation techniques continue to be practiced in Israel. The Supreme Court there ruled in September 1999 that six frequently-used practices of the Israeli Security Agency (then known as the General Security Service, or GSS) violated existing laws. These included beatings, prolonged sleep deprivation, violent shaking, and prolonged painful positioning. There appears to be agreement among Israeli human rights activists and defense lawyers that these techniques are used less frequently, but have been replaced by techniques that are extremely stressful psychologically, including: greater isolation for longer periods; denial of access to lawyers and

family members for extended periods; prolonged interrogation sessions; use of collaborators to threaten detainees; and threats to family members.

The Supreme Court ruling also permits the security agency to claim the necessity defense in cases where exceptional interrogation means are allegedly needed, as in so-called ticking bomb cases. The Israeli daily Haaretz reported in July 2002 that the GSS had up to that point employed exceptional interrogation means against ninety Palestinians. The readiness of the Attorney General to grant necessity defense requests, along with the fact that since 1999 no Israeli Security Agency or GSS officer has faced criminal or disciplinary charges for acts of torture or ill-treatment, appears to have led to an erosion of the restraints initially imposed by the 1999 ruling.

In addition, physical violenceor the threat of itis often present in the treatment of detainees. Most former detainees interviewed by Human Rights Watch in 2004 described physical abuse at the time of their arrest and transfer to Israeli detention or interrogation centers.

MALAYSIA

Malaysia has rounded up numerous detainees under its Internal Security Act, a draconian law that permits the government to detain individuals without charge or trial, denying them even the most basic due process rights. The ISA allows the government to hold detainees for two years after arrest, and then renew this period indefinitely without meaningful judicial approval or scrutiny. In a 2004 Human Rights Watch report detainees held under the ISA reported that they had been mistreated, subjected to sexual humiliation, and slapped and kicked. All were held incommunicado for several weeks after they were first detained. Family members report that detainees showed signs of more extensive physical abuse when they first were able to meet with them.

MOROCCO

Morocco has been no exception to the global backsliding in the protection of civil liberties and basic freedoms in the name of counter-terrorism. Recent credible reports of torture and mistreatment of suspects, and the denial of the right to a fair trial, suggest that the broader freedoms Moroccans have enjoyed during the last decade and-a-half can be reversed.

The arrests began after the September 11, 2001 attacks in New York and Washington, and escalated significantly after May 16, 2003 bombings in Casablanca, Moroccos largest city, when twelve suicide bombers killed thirty-three people and wounded another 100 in coordinated attacks. In the months following the May 2003 attack, police carried out massive arrests and home searches without judicial warrants, arresting at least 2,000.

Many detainees have said that their interrogators subjected them to physical and mental torture and degrading treatment in order to extract a confession or to induce them to sign a statement they had not made. As documented in a recent Human Rights Watch report, defendants either were not informed of their right to a medical examination or not able to exercise it in a meaningful manner.

NEPAL

Torture and ill-treatment in custody are prevalent throughout Nepal, which is caught in an increasingly brutal nine-year civil war between rebels of the Communist Party of Nepal (Maoist) and government security forces. During the course of the war, the number of enforced disappearancescases in which people are taken into custody and authorities then deny all responsibility or knowledge of their fate or whereaboutshas reached crisis proportions.

Based on a nation-wide survey conducted by Nepals Center for Victims of Torture (CVICT), the National Human Rights Commission reported that up to 70 percent of persons arrested by state authorities are likely to be tortured. The NHRC observed that most of the persons who are disappeared go through extreme torture in captivity.

Human Rights Watch interviews with individuals who were released after the government denied holding them in custody, as well as with families who visited their relatives in detention before their disappearance, confirm the prevalence of ill-treatment and torture in custody. Many individuals who subsequently disappeared were beaten during arrest, and evidence suggests that the persons were subjected to severe beatings or other forms of torture while in detention. In a majority of cases where relatives were able to obtain information about the disappeared" person's treatment in custody, beatings and torture were reported.

NIGERIA

Torture and ill-treatment of criminal suspects in police custody is systematic and routine in Nigeria, with a strong correlation between the severity of the ill-treatment inflicted and the severity of the alleged offense. As a result, armed robbery and murder suspects are generally the most seriously abused and suffer the harshest treatment in detention.

The most common forms of ill-treatment experienced are repeated beatings with implements such as batons, sticks, planks of wood, koboko (horsewhip), gora (wooden roofing material), iron bars or cable wire. During a recent fact-finding mission by Human Rights Watch, suspects described being hung by their arms in various positions from the ceiling or across a metal rod suspended between tables. Beatings are applied to the back, limbs, joints, and in extreme cases the head. They are usually carried out for 20-30 minutes on two or three separate occasions, on the same day or a few days apart. A number of victims had tear gas power rubbed in their eyes, and one woman had it sprayed on her genitals. In three cases broom strands were inserted into the male victims penis, one had pliers used on his genitals, another electric shock treatment. In Lagos, five men interviewed had been shot with a gun in one or both feet.

NORTH KOREA

In North Korea, which suffers one of the worlds most repressive governments, prisoners are routinely subjected to forced labor, torture and other mistreatment. Despite repeated resolutions by the U.N. Human Rights Commission condemning its human rights record, North Korea has largely shunned dialogue with U.N. experts on human rights, including the special rapporteur on human rights in North Korea, Vitit Muntarbhorn.

PAKISTAN

Torture is routinely used in Pakistan by civilian law enforcement agencies, military personnel, and intelligence agencies. While acts of torture by the police are generally aimed at producing confessions during the course of criminal investigations, torture by military agencies primarily serves to frighten a victim into changing his political stance or loyalties or at the very least to stop him from being critical of the military authorities. Suspects are often whipped to the point of bleeding, severely beaten, and made to stay in painful stress positions. A July 2004 Human Rights Watch report focuses on abuses against farming families in the Punjab, including testimony about killings and torture by paramilitary forces.

RUSSIA

Russia considers its military and policing action in Chechnya to be a counterterrorism operation. Now in its sixth year, the conflict has created a dire human rights crisis. Chechen fighters have committed unspeakable acts of terrorism in Chechnya and in other parts of Russia.

Russias federal forces have detained and disappeared thousands of Chechens whom they suspect of involvement with rebel forces and tortured them in custody to obtain confessions and information.

By carrying out forced disappearances, federal forces in Chechnya attempt to conceal the torture and summary execution of those in their custody, and therefore benefit from impunity for such crimes. Disappearances in Chechnya are so widespread and systematic that they constitute crimes against humanity; by some estimates between 3,000 and 5,000 have disappeared since 1999. In numerous cases their corpses are found in unmarked graves or dumped, but in most instances they are simply never heard from after being taken into custody. Human Rights Watch and the Memorial Human Rights Center have documented cases when dead bodies were simply dumped by road sides, on hospital grounds or elsewhere. The majority of the bodies showed signs of severe mutilation, including flaying or scalping, broken limbs, severed finger tips and ears, and close range bullet wounds typical of summary executions. Examinations by medical doctors of some of these bodies have revealed that some of the deliberate mutilations were inflicted while the detainees were still alive.

In February 2005, Human Rights Watch interviewed one former detainee on the day following his release. While in detention, the young man was held on the concrete floor of a tiny, unheated cell. He was handcuffed and had a plastic bag over his head the entire time. At the time of the interview he was in a state of shock, had difficulty speaking clearly and focusing his eyes; he said that his perpetrators had injected him with an unknown drug. He had bruises on his face and arms, and he could not move several of his fingers, which were heavily swollen.

Since 1999, only one serviceman has served an active prison sentence for torture or disappearance in Chechnya.

SYRIA

Syria has a long-established record of torture. The case of Maher Arar, a Canadian of Syrian origin who was detained in 2002 by U.S. authorities in New Yorks Kennedy Airport while he was in transit to Montreal, is relatively well known. Arar was detained in the New York area for approximately two weeks before he was sent, over his strenuous objections, not to Canada but to Syria. Arar has publicly provided detailed accounts of the torture he says he was subjected to while under interrogation in Syrian custody. He was eventually freed and has returned to Canada, and has brought suits against the United States and Canadian governments for their roles in rendering him into the hands of Syrian torturers.

What is less well known is that Arar apparently came under the suspicion of U.S. and Canadian counter-terrorism authorities because he was named by Abdullah al-Malki and Ahmad al-Maati, Canadians of Syrian and Egyptian origin respectively who were arrested in Damascus and, they say, subjected to torture while being interrogated. Like Arar, they too have since been released and have not been charged by any government with any terror-related or other criminal offence. False confessions as a result of torture may have resulted in the Arar debacle.

In an earlier unrelated case, Syria gained custody of Muhammad Haydar Zammar, a Syrian-born German national suspected of involvement with the September 11th hijackers. According to press reports, Zammar was clandestinely arrested in Morocco and transferred to Syria with the knowledge of the U.S. government but without notification of German authorities. According to Amnesty International, he was held in prolonged solitary confinement in a tiny underground cell at the Palestine Branch of Syrian Military Intelligence in Damascus, a facility where torture is commonly practiced. In October 2004 he was moved to an unknown location and was reported to be in a "skeletal" physical state. *The Washington Post*, citing an unnamed U.S. official in June 2002, wrote that "the Americans have been submitting questions for him to the Syrians, and some of the answers have helped gauge the credibility of detainees in U.S. custody.

TURKEY

Torture remains common in Turkey today. While the government has declared zero tolerance for torture and introduced important reforms in the past five years that have significantly reduced the frequency and severity of torture, ill-treatment persists because police and gendarmes (soldiers who police rural areas) in some areas ignore the new safeguards. Due to poor supervision of police stations, certain police units deny or delay detainees access to a lawyer, fail to inform families that their relatives have been detained, attempt to suppress or influence medical reports which record ill-treatment, and still do not reliably apply special protections for child detainees.

Governmental as well as nongovernmental organizations interested in this issue continue to receive substantial numbers of torture allegations. In the first four months of 2004 the Human Rights Directorate of the Office of the Prime Minister recorded that it had received fifty complaints of torture and ill-treatment in police custody. The Turkish Human Rights Association reported 692 incidents of torture and ill-treatment by police in the first six months of 2004. During the first eight months of 2004, 597 people applied to the Turkish Human Rights Foundation for medical attention for torture, ill-treatment, as well as illness arising from prison conditions.

In 2004, most detainees reported ill-treatment describe beatings, threats and insults, but some also complained of blindfolding, sexual assault, hosing with cold water, electric shocks, and hanging by the arms.

UGANDA

The use of torture as a tool of interrogation has featured prominently in escalating human rights violations by Ugandan security and military forces since 2001. Official and ad hoc military, security and intelligence agencies of the Ugandan government have illegally detained and tortured suspects, seeking to force confessions of links to past political opponents or current rebel groups.

Forms of torture in use in Uganda include kandoya (tying the victims hands and feet behind his or her body) and suspending detainees tied in this manner from the ceiling; Liverpool water torture (forcing the victim to lie face up, mouth open, under a flowing water spigot); severe and repeated beatings with metal or wooden poles, cables, hammers and sticks with nails protruding; pistol-whipping; electrocution; male and female genital and body mutilation; death threats (through showing fresh graves, corpses and snakes); strangulation; isolation; and verbal abuse and humiliation. Some of these practices have resulted in the death of detainees in custody. An informal survey at Kigo Prison near Kampala, where political detainees are held, indicated in June 2003 that 90 percent of

detainees/prisoners had been tortured during their prior detention by state military and security agencies.

UZBEKISTAN

Uzbekistan has a long history of torture. Since the mid-1990s the Uzbek government has arrested thousands of people on charges of Islamic fundamentalism or extremism, handing down prison sentences to most ranging from 5 to 20 years.

The government claims its efforts serve as part of the global campaign against terrorism. Yet in the overwhelming majority of cases, those imprisoned have not been accused or convicted of terrorism or charged with any other violent act. Human Rights Watch has documented the torture of many of those detained in the context of this campaign, including several who that died as a result of torture. Interviewees describe a variety of methods of torture used against Muslim detainees, including beatings by fist and with truncheons or metal rods, rape and sexual violence, electric shock, use of lit cigarettes or newspapers to burn the detainee, and asphyxiation with plastic bags or gas masks. A doctor who examined the body of detainee who died in custody in 2002 described burns consistent with immersion in boiling water.

Bahrain Death Sentences Follow Torture, Sham Trials

Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces

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