Torture

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Torture has been and remains a constant in human society; its history is closely linked to the evolution of state powers and the exercise of authority.[1] In all circumstances, the notion of torture has two essential elements: the purposeful infliction of pain, usually described as excruciating, and an ulterior motive in the interests of the authority responsible for the torture.[2] The pain can be either physical or psychological in nature, and most authorities would accept that provoking intense fear through mock executions or threats to family members can be considered a form of acute psychological pain. Furthermore, the notion of humiliation is considered by many authorities as central to the process of torture, being antinomic to the principle of human dignity at the origin of modern concepts of human rights.

The most frequently cited motive for torture is the extraction of a confession or the obtainment of information during interrogation. The Japanese word for torture, *gōmon*, is made up of two *kanji*, the first, rather rarely used in Japanese language, meaning “to flog” or “to beat,” and the second a commonly used *kanji* meaning “to question.” However, torture is also used as a form of punishment, intimidation, and coercion outside the interrogation process. The use of torture on a large segment of the population, including rape and mutilations, is recognized as a means of intimidation against populations or minorities.[3]

The word for torture in most European languages is derived from the Latin “to twist” or “to distort,” reflecting techniques of torture involving forcible extension of the body or twisting of limbs, provoking intense musculoskeletal pain. The word can also be taken to reflect the fundamental distortion in the human relationship between the torturer and the tortured person. It should be recognized that, as well as the tortured person’s losing his or her fundamental human dignity and suffering long-term consequences, both psychological and physical, the torturer is also debased and humiliated by his activity. A key question, therefore, is why individuals are prepared to torture. At one time, it was thought that only particularly sadistic individuals were capable of committing torture. However, psychological experiments show clearly that most normal individuals are capable of inflicting even apparently intense pain under experimental conditions.[4] It is the perception of the victim and his or her difference and inferiority, as well as dangerousness, that allows individuals

with a normal psychological makeup to commit acts of torture. A striking example is the systematic rape of civilian women by soldiers during armed conflict, for example when the Japanese Imperial Army entered Nanking in 1937,[5] or, by Serb forces during the war in Bosnia. In both instances, there was an open permissiveness and even encouragement by senior military officers, as well as a perception of Chinese or Muslim women as racially inferior.

Brief Historical Review

Paradoxically, it is easiest to provide a well-documented account of torture in early civilizations in ancient Greece and Rome, as well as in the Middle Ages in Europe up until the eighteenth century, than in the modern world.[6] This is because torture was openly practiced and was part of judicial procedure, both during investigation and as part of punishment. In both ancient Greece and Rome, slaves were systematically tortured if they were involved in a judicial procedure, whether as accused or simple witnesses, in order that their testimony could be heard in court. The earliest debates about torture come from Roman times, when both Seneca and Cicero criticized the torture of free men as being likely to lead to false confessions: “Even the innocent may lie when tortured.” This is a utilitarian and legalistic argument against torture, rather than a moralistic or humanitarian opposition. Saint Augustine is often cited as the first to oppose torture on the grounds of its moral perversity. However, even his opposition is centered on the risk of punishing a person for a crime falsely confessed under torture. He did not take a clear position against the humiliation and infliction of pain during criminal procedures or as part of punishment.

The late Middle Ages and the period of the Reformation and Counter-Reformation saw an institutionalization and reutilization of torture; many woodcuts of this period give explicit details of torture instruments and methods. The use of torture was common during the times of religious divide. The use of torture during the period of the Inquisition in Spain has probably been exaggerated and its main victims were not religious dissenters but the Jewish and Moorish minorities.

In the eighteenth century, during the period of the Enlightenment, the first clearly enunciated oppositions to torture on moral and humanitarian grounds were published by Voltaire, Rousseau, and Hobbes. Their philosophical position was linked to the new concept of the relationship between the individual and the state enshrined in the American Constitution and the Declaration of Rights of the Citizen following the French Revolution.

Torture was first abolished in Sweden in 1734, and almost all European countries had abolished torture from the provisions of criminal procedure by the early nineteenth century.

There is surprisingly little written about the effects of this prohibition on interrogation procedures, and only fragmentary accounts of torture exist after its abolition in nineteenth-century Europe. Many political activists claimed to have been beaten or subject to prolonged solitary confinement, particularly in czarist Russia. In North America and Europe, the term "third degree" method came into use for police questioning of difficult suspects, and certainly involved methods that today would be considered as torture. It was the unprecedented and systematic abuses committed by the Third Reich and the Japanese Imperial Forces in the form of genocide, other forms of mass murder, human experimentation, and abuse of prisoners that led to the Universal Declaration of Human Rights and the outright prohibition of torture in any form.

It is only a little over sixty years ago that torture was prohibited in a series of interlocking provisions of international law; nevertheless, all objective assessments about the prevalence of torture in the world today lead to the conclusion that systematic torture occurs in one form or another in the majority of states despite the fact that they have confirmed their adherence to the Universal Declaration of Human Rights and have ratified the United Nations' International Covenant on Civil and Political Rights. Article 7 of this covenant reads: "No one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment."[7] Torture is also prohibited in times of armed conflicts by the Common Article 3 to the Geneva Conventions. It is outlawed by the 1994 United Nations' Convention Against Torture. In the statute of the International Criminal Court, torture is recognized as a crime against humanity when it is committed as part of a widespread or systematic attack directed against a civilian population.

Torture is, therefore, one of the few issues in which international human rights and humanitarian law is unambiguous and for which no exceptions are provided. For example, under the European Convention of Human Rights, any high contracting party may take measures derogating from its obligation under the Convention in time of war or other public emergency threatening the life of the nation. However, no derogation is permitted for Article 3, prohibiting torture.[8]

The provisions of international law prohibiting torture did not give clear definitions of what would constitute torture. In most texts, the concept is linked to that of inhuman and degrading treatment, while the International Covenant on Civil and Political Rights (1966) indicated that being subjected to medical or scientific experimentation without free consent is a particular form of torture or cruel, inhuman, or degrading treatment.

The definitions were to come from several sources; first, through the work of the European Court of Human Rights (and later the complementary European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment of 1989). In the decision concerning the case of

Ireland versus the United Kingdom over techniques of "interrogation in depth" carried out by the British Army in Northern Ireland, the court ruling included a detailed account of wall standing, hooding, subjection to noise, deprivation of sleep, and deprivation of food and drink, which were considered as a violation of Article 3 of the European Convention. The reports emanating by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), set up by the 1989 Convention also give some detailed consideration as to what constitutes torture.

Second, the reports of the special reporter of the UN Commission of Human Rights investigating torture on a global scale also provide descriptions of the wide variety of abuse and treatment that should be considered as torture.

In 1975, the United Nations General Assembly adopted a declaration on Protection from Torture, in which torture is defined as "an aggravated and deliberate form of cruel, inhuman, or degrading treatment or punishment." The essential elements in the definition are the intentional infliction of severe pain or suffering, whether physical or mental, at the instigation of a public official. Torture is thus defined as an intentional act under the authority of the state with the purpose of obtaining information or a confession, but also as a punishment or to intimidate. The 1984 United Nations Convention Against Torture has a closely similar definition, although the role of a "public official or other person acting in an official capacity" is widened to include not only direct infliction but also instigation, consent, or acquiescence. Both definitions from the United Nations exclude "pain or suffering arising only from, inherent in, or incidental to lawful sanctions."

Torture is most commonly associated with attempts by security forces to deal with dissent, insurrection, terrorism or other perceived threats to the authority of the state. One example is the widespread and indiscriminate torture by security forces in Syria[9]. Those in Britain, France and the United States who condemn the abuses in Syria should not forget the systematic use of torture by the British during the Mau Mau uprising, 1952–1960, and by the French during the Algerian War, 1952–1960.[10] In both cases the use of torture by the colonial power provoked "retaliatory" torture by the other side. Military occupation is a potent trigger of torture, as in the territories occupied by Israel or in the aftermath of the Iraq war of 2003. Although public attention was seized by photographic records of the abuse of detainees in Abu Ghraib prison, the violations were part of a much wider pattern of ill treatment of persons detained by Coalition Forces revealed in a report of the International Committee of the Red Cross (ICRC) to the United States government in 2004.[11] The ICRC refers to "prisoners of war and other protected persons under the Geneva Conventions." This was in fact a contentious issue, since the US attorney general at the time, Alberto Gonzales,

considered that such detainees should be considered as unlawful combatants and therefore not under the protection of the Geneva Conventions. He also considered detainees held at the Guantanamo Bay detention center as "unlawful combatants," thus authorizing an array of techniques used during interrogation which amount clearly to torture.[12] Some of the methods were reminiscent of those used by the British security forces in Northern Ireland during the 1970s and condemned by the European Court of Human Rights in 1978 but in addition "waterboarding," a refinement of simulated drowning ("submarine") used by security forces in Latin America with the knowledge and tacit approval of US security services in the 1970s. However spurious Alberto Gonzales' argument may be in international law, it clearly illustrates the tendency of executive authorities to legitimize torture as a response to terrorism. The Turkish authorities had the same reflex in their handling of detainees during the uprising by the Kurdish minority and also of members of left wing revolutionary movements.

However, torture can readily become a pervasive practice by the police in dealing with "ordinary criminals" as was the case in Turkey until recently and is still frequent in many post–Soviet bloc countries. For this reason, a case study, "the Angelova affair," is recounted to underline that torture occurs in apparently banal circumstances.

Case Study: The Angelova Affair

A seventeen-year-old boy was seen by the police hanging around parked cars in a small town in Bulgaria.[13] He was chased and apprehended by a policeman and was then seen by members of the public handcuffed to a tree while the police carried out a search of the area. He was taken to the local police station. No written detention order was issued and the register did not have an entry for him. The following morning, the boy was taken by the police to a local hospital, where he was pronounced dead shortly afterward. An autopsy established that the cause of death was internal bleeding in the brain as a result of a fractured skill around the left eyebrow. The autopsy report established that the trauma had occurred between four and six hours prior to his death. There were also marks of recent trauma on several other parts of the body. The medical legal conclusions were therefore clear: the boy had died as a result of a blow received while in police custody, furthermore, there had been a delay of several hours before the boy was brought to hospital; when he arrived, it was too late to provide any care.

Since the police were involved, the criminal investigation into the boy's death was taken over by a military investigator, who appointed five medical experts from the police and military to reexamine the conclusions. Without providing any fresh evidence or arguments, the experts concluded that the

trauma could have been received more than ten hours before the death, and, therefore, prior to his arrest. On this basis, the investigation was terminated. No administrative or discipline reaction of any kind was taken.

So ends a typical case of death in custody, giving rise to serious suspicions of ill treatment and possible torture by the police, investigated by another state authority, which concluded clearly that no abuse had occurred. If we add that the victim belonged to the Roma ethnic group, a minority subject to discrimination and social exclusion in many Eastern European countries, we can understand easily why such a boy could be subject to abuse by the police and why the government's investigation was so half-hearted and inconclusive.

The story would normally end there, had Bulgaria not ratified the European Convention of Human Rights in 1992. With the support of an NGO and a human rights activist lawyer, the boy's mother made an application to the European Court of Human Rights on the basis of Article 2 of the European Convention, which guarantees the right to life. The mother complained simply of an unexplained death in police custody, the failure to provide adequate medical care, and the ineffectiveness of the subsequent investigation. The proceedings before the court established that the police had manipulated the detention records and that the government's explanation of the death was implausible. The police had delayed provision of medical assistance and this contributed in a decisive manner to the fatal outcome. Therefore, there had been a violation of the state's obligation to protect the life of persons in custody. Furthermore, the court considered that the investigation carried out by the military authority lacked the "requisite objectivity and thoroughness." In particular, the police officers were never asked to explain why detention records had been forged and why they had given false information on the boy's arrival at the hospital.

The court went further in its condemnation of the Bulgarian government by concluding that the injuries shown at the autopsy were clear signs of inhuman treatment. It was therefore concluded that a violation of Article 3, which prohibits torture and inhuman or degrading treatment, had also occurred.

Finally, the court considered the mother's complaint that the police's abusive treatment was based on their discriminatory perception of him as a gypsy was grounded on "serious arguments," but proof beyond the reason brought out had not been provided.

The mother received €19,000 in nonpecuniary damages.

This case is recounted in some detail in order to demonstrate how easy it is for inhuman treatment amounting to torture and death to occur while in custody, particularly when the victim is from a minority group; and how difficult it is to investigate and bring to account the perpetrators.

Allegations, Denial, and Impunity

The clarity of the legal prohibition of torture is limited by the difficulties of investigation, which in turn leads to the widespread problem of impunity and denial. On each occasion, when reputable human rights organizations such as Amnesty International or Human Rights Watch provide well-documented reports of torture in a particular country, there is a ritual exchange of documented allegations followed by official denials.

One example of such an exchange: on Monday, February 12, 2001, the BBC World Service reports as a main news item:

> The human rights group Amnesty International says torture and ill treatment of prisoners and detainees in China has become "widespread and systematic;" the victims are members of the banned Falun Gong spiritual movement, Muslim separatists in Xinjiang, prisoners in Tibet, many of whom who were reported to have died in custody. Amnesty suggested that the Chinese government's commitment to curb torture was often undermined by its directives to use "every means" in anticorruption campaigns and political crackdowns. Furthermore, the torture and inhuman treatment were often carried out almost publicly in order to "instill fear and discipline."

The message is therefore clear: commitments to end torture do not survive government drives against political opponents or what are perceived as dangers to the fabric of society, such as corruption or separatist or religious movements.

The following day, Tuesday, February 13, 2001, the BBC World Service News carried the rejection by China's Foreign Ministry of the report by Amnesty International. "The allegations are totally groundless," the Foreign Ministry's spokesman was quoted as saying. Later in the same week, the BBC News carried a further item in which a senior Chinese government official denied the allegations of torture and inhuman treatment of members of the Falun Gong spiritual movement. This spokesman accused the Falun Gong of being politically motivated and "maiming and killing people." He gave the example of the recent immolation of five Falun Gong members in Tiananmen Square as a testimony to the group's inhumanity and deadliness. Furthermore, the official protested about the interference from the outside in China's internal affairs, in particular the protests by the European Parliament at that time concerning violation of human rights in Tibet, the destruction of mosques, and the arrests of teachers of the Koran.

We can see therefore that the problem of torture is not limited to individual occurrences of ill treatment in police custody, prisons, or other state detention centers, however common they may be. Torture is intimately linked to the powers of the state, the belief by those in authority of the need to

defend, at all costs, the state's authority and policies, and the perception of individuals and groups as dangerous to the state. The denial of torture by governments is always accompanied by reminders of threats against the state and the dangerousness of certain minorities. The unspoken message is, of course: if torture does occur, it is because it is necessary to defend the state.

The ritual waltz between human rights organizations and governments, with its well-defined, prearranged steps of allegation and denial, occurs dozens of times every year. China, Egypt, Burma, Israel, Russia, Guantanamo, Turkey—the list goes on and on, and the dance always remains the same. And, to be honest, our own perception of these allegations is invariably related to our feelings about the regime concerned. The ritual exchange quoted here took place early in 2001. Since then, of course, the ritual has evolved further: every government response to allegations of torture mentions the threat of terrorism.

Is the Prohibition of Torture in International Law Credible?

The issue of torture today therefore exposes not only the deep-seated fault line about the relationship between the state and vulnerable individuals or groups, but also the very credibility of International Human Rights Law. We have to ask the question whether we are not living an illusion. The unequivocal outlawing of torture in human rights instruments has become a cruel farce in relation to what actually happens in police commissariats, interrogation centers, and prisons in most countries of the world. By participating as lawyers, medical experts, international civil servants, or academics in the ongoing debates and processes at the international level, while ignoring what really happens in the shadows of states' power and structures, we are actively participating in this farce. Would it not be more honest to face up to the ineffectiveness, the impotence, of International Human Rights Law in the face of the power and prerogatives of individual states?

Such a position might seem heretical to most observers of the human rights scene and participants in international organizations and NGO militants. It would be seen as an acknowledgement of defeat, a surrender, or, in more subtle terms, an appeasement. However, such a position would be more in line with historical reality. Torture has existed under all civilizations. (We should perhaps pause a moment to note the paradoxical nature of this simple statement: Can torture really be part of a civilization? Or does civilization necessarily imply some form of state authority that, in turn, opens the way to torture and inhuman treatment?) Well, according to historical perceptions of civilization, torture has almost always been an integral part of it; the question is whether it always will be. As indicated above, for most of recorded history, torture has been a formal part of juridical procedure, used for obtaining information, forcing confessions, and also for punishment and execution. In China

and Japan, torture practices are reflected in specific language and terminology, which was found also in the detailed, almost obsessional, inventory of torture techniques and instruments developed in Europe in the late Middle Ages and during the Inquisition.

The persistence of torture in the so-called modern era of human rights since 1948 leads us to two kinds of analysis. First, whether torture is the inevitable response of the state under threat, for example in time of war, when faced with acts of terrorism or deep-seated social ills, and second, how it is that the complex and wide-ranging provisions of international law are so consensual in public discourse and so ineffectual in reality. Law can only be understood in a historical context, and International Human Rights Law is no exception. The preamble of the Universal Declaration describes the context clearly: “Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind …” It is therefore a reaction to the horrors of the Third Reich and the Japanese Imperial occupying armies in the middle of the last century. The preamble also places the inherent dignity of all members of the human family as the foundation of freedom, justice, and peace in the world.

This was a period when the concept of the state was undergoing a fundamental change. Keynesian economics and the foundation of the welfare state were changing the relationship between the individual citizen and the authorities. It was clearly seen that genocide, torture, mass rape, and abusive human experimentation undermined the dignity not only of victims, but also of perpetrators and the state itself. Eleanor Roosevelt described the “basic character” of the Universal Declaration in these terms: “It is not a treaty; it is not an international agreement; it is not … a statement of law or of legal obligation; it is a declaration of human rights and freedoms … to serve as a common standard of achievement for all peoples of all nations.” It was time, therefore, that the people and the nation could be placed on the same footing with an appeal to the dignity of both. The powers of the state should be limited and could not be used to undermine or threaten human dignity. The aim was clearly to eradicate the kind of relationship that had existed between the Nazi regime and Jews, gypsies, and the mentally ill, or the Japanese military forces and the civilian population in Nanking or Manchuria.

The failure of International Human Rights Law to reduce substantially the practice of torture is part of wider failure of international public law. The proliferation of conventions covering women, children, minority groups, indigenous peoples, the disabled, the mentally ill, and many others, are all flawed by the absence or the inadequacy of enforcement procedures. The special reporters of the United Nations Commission of Human Rights are often hampered in their work by governments, and there is more and more resistance to the idea of international investigative powers and jurisdiction.

The idea that International Human Rights Law would progressively influence national law has had some success, and many countries have enacted laws criminalizing torture. However, there has been little success in fields such as the investigation, exposure, and sanctions against torture. Many government leaders express satisfaction about the growing body of Human Rights Law but are resistant to its direct application for vulnerable people. A substantial part of International Human Rights Law law is therefore essentially cosmetic.

The European Exception

The most fertile ground for the realization of the human rights approach has provided, without any doubt, to be Europe. The political and economic context, the recent traumatizing experiences of the Second World War, lent themselves to a proactive approach to human rights, going further than the hortatory tone of the United Nations' texts. Thus, the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome in 1950 opens with the statement that the "Western European" governments were resolved "to take the first steps for the collective enforcement of certain of the rights stated in the Universal Declaration." However presumptuous this might seem to the rest of the world, it is undoubtedly true that investigation and enforcement are excessively weak, if not entirely absent, from almost all International Human Rights Law. It is, therefore, hardly surprising that the investigation and punishment of torture is so ineffective and weak at the national level. However, the European Convention did put into place procedures that allowed for the first time an independent supranational body to investigate allegations of human rights violations committed by state parties themselves. Furthermore, the complaints could be launched not only by other state parties, but also by individuals. Thus, in 1978, the court condemned the United Kingdom for systematic violations of Article 3 during the interrogation of Irish Republican Army (IRA) suspects arrested and interrogated by military investigators in Northern Ireland. The court has rendered a number of other decisions on the Article 3 of the Convention in recent years, for example the interrogation of detainees in Chechnya (also the subject of two public statements made by the CPT).

It was rapidly recognized that the impact of the court was limited by its lack of investigative power, especially in situations of detention and interrogation. The revelations at the end of the 1980s and in the early 1990s of abusive interrogation techniques and falsification of evidence in cases against suspected terrorists in Britain, which had led to prolonged imprisonment of many innocent individuals, shocked many people.

It was at this time that the Council of Europe introduced a new convention with extraordinary powers of access to places of detention and with the explicit objective of preventing torture and inhuman or degrading treatment: the CPT. In the early years of the CPT's work, visits and investigations were carried out, which allowed, for the first time, a rather detailed picture of the anatomy, physiology, and pathology of systematic torture to be described. It is not surprising that the early reports of the CPT on visits to Turkey remained unpublished for many years (the reports from the early 1990s detailing widespread and systematic torture were only made public in 1998). Although the sinister interrogation rooms that were a constant feature of Turkish police commissariats have been replaced over the last few years by less intimidating premises and allegations of torture are less frequent, elsewhere allegations of police violence are on the increase. Clearly, both the European Court and the CPT have much work to do, especially as their remit now extends from Lisbon to Vladivostok. The commitment of the forty-odd members of the Council of Europe to collectively prevent and banish torture has therefore achieved some impressive results. Furthermore, the CPT has widened the scope of its work progressively to cover not only police stations and prisons but also psychiatric hospitals, detention centers for immigrants, and juvenile detention centers. However, the existence of the European Court and the CPT did not prevent the extrajudicial detention of terrorist suspects subject to rendition in at least two European states.

From the earliest years of the Council's existence, there was, however, a deeply hypocritical vein to this commitment. France and Great Britain, the self-declared defenders of human rights and democratic values, were becoming embroiled in long and drawn out colonial wars. We now have convincing evidence of the systematic and extensive use of torture and illegal killings as the violent struggle for independence evolved in Africa and Southeast Asia. It is now clear that the most senior military commanders and government ministers were fully aware of these abuses over the period of 1952–1960 and, indeed, provided additional resources and expertise. Thus, in both Malaya and Kenya, the British set up so-called reeducation camps for terrorists, involving prolonged sensory deprivation, humiliation, mock executions, and unrelenting physical abuse. France is trying to come to terms with the admissions by most senior military officers of widespread torture and illegal killings during the Algerian war, 1954–1962. The revelations and apologies or, in a least one case, unrepenting justification are at the same time moving and disturbing.

All these instances of documented and confessed torture help us to understand better the nature of torture and the fundamental distortion of human relationships that are implied. The Bulgarian policeman's perception of a Roma adolescent is of the same order as the Japanese soldier's perception of a young woman in Nanking when the Imperial Army entered in 1937, the same as

British interrogation officers' toward Catholic terrorist suspects in Northern Ireland, or of the British and French army faced with military uprisings by people who, until then, had been colonial subjects.

The Medical Profession and Torture

It is widely believed that doctors can and should play an important role in the fight against torture.[14] First, they have the competence and expertise to detect and document torture. When they examine prisoners or ex-prisoners, they may observe physical lesions or the psychological consequences of abuse. Doctors who work regularly in prisons or visit police stations can use epidemiological models to follow the incidence of certain kinds of injuries and draw conclusions about the overall prevalence of physical abuse. They are also able to observe certain patterns of injury and correlate them with type of torture. The forensic pathologist has a special role for cases of death in custody, providing objective and irrefutable evidence of traumatic lesions, their pattern, and timing.

However, this role is limited by the fact that some doctors working for the state are not free to speak out and may be fearful of authoritarian regimes. Indeed, there are many well-documented cases of doctors who have spoken out about cases of torture who have been arrested, mistreated, and even tortured themselves. Doctors, who occupy a privileged position in all societies, should be able to criticize the authorities more freely than ordinary citizens, especially if they have the support of professional organizations. However, this is not always the case, despite the fact that most national medical associations are affiliated with the World Medical Association, which has codified the responsibilities of doctors in relation to torture in the 1975 Declaration of Tokyo. Another limitation is the fact that many doctors are not trained to carry out forensic examinations; few doctors can accurately detect the signs of asphyxia and interpret different kinds of bruising or abrasions. The British Medical Association has been particularly active in leading the campaign of "doctors against torture." The association published a substantial report on torture in 1986,[15] followed by a remarkable publication, *Medicine Betrayed: The Participation of Doctors in Human Rights Abuses*, published in 1992,[16] in which the active role of doctors in a process of torture and human rights abuses is extensively documented. The conclusions about doctors' motives for participating in torture are probably applicable to other professional groups working for the state, particularly police officers, army interrogation experts, and prison guards. The seminal study in this field is Lifton's account of the Nazi doctors, which puts emphasis on the way in which societal pressures progressively distorted medical ethical values.[17] This view has been elaborated by Staub, who also emphasizes the role of military training and obedience, the tendency to "blame the victim," and,

above all, the discrimination against and labeling or devaluing of a victim group.[18] Nazi doctors were thus living in a society where fundamental human values had been denied; they, therefore, yielded to the psychological process of fear and threat of loss of their professional identity by adopting the credo of assigning a subhuman status to Jews, gypsies, and the mentally ill.

An important stimulus to medical involvement in the fight against torture has been the role of medical journals. Until 1985, there were very few articles or editorials in the field of prison medicine, human rights, or torture published in medical journals. Since then, the lead has been taken by certain editors, in particular in the *Lancet*, *British Medical Journal*, and *New England Journal of Medicine*, to open their columns to accounts of torture by doctors working for humanitarian organizations, as well as to more scholarly accounts of torture victims. Overall, the number of papers on the subject of torture (to be found in citation lists) has grown from between ten and twenty in 1985 to well over a hundred articles published each year since 2000.

Ambivalence

Torture and inhuman treatment are a fault line that runs deep and long in almost every human society. Its history is as long as the history of state power and its geographical distribution is planetary. Since the prohibition of torture in international human rights law, we can best describe the attitude of the state authorities toward torture as ambivalent. The risk factors, to employ a public health model, are clear: detention for interrogation, deep-seated perception of inferiority of the victim, and the conviction that the state is under threat (the so-called war on terrorism syndrome) certainly increase the risk of torture of those arrested as terrorist suspects.

Methods of Torture

1. Beating: Kicks, fists, truncheons, canes (*lathi*), whips (*sjambok*), electric cables, plastic bags, *falanga* (beating of soles of feet), *telefono* (beating of both ears with palms)
2. Postural: Prolonged standing, suspension (Palestinian hanging), extension, binding/fixed position, confined space
3. Burning: Cigarettes, acid, hot metallic objects, hot water
4. Electric Shocks: Electrodes (with hand-driven generation), shock baton (battery driven), metallic bed (attached to main electricity)
5. Piercing: Genitals, tongue, hands, fingernails

6. Asphyxia: Plastic bag, gas mask (*elephant*) submersion (*submarine, la banera*), waterboarding, strangulation
7. Psychological: Pressure, threats, mock execution, anticipation (in earshot of torture), humiliation, ridicule
8. Extrajudicial killings: Faked suicide, "attempted escape"

Principles of Treatment of Torture Victims

1. Listening
2. Documentation
3. Avoid encounters reviving torture experience
4. Psychomotor approaches: relaxation/massage/exercises
5. Psychotherapy—cognitive, supportive
6. Psychopharmacology
7. Psychosocial rehabilitation

Today, just as there are international networks of crime, money laundering, corruption, and terrorism, there is also an international network of repression and torture. There is no doubt that security forces, antiterrorist agencies, and secret police maintain contact and share information, not only about investigations and suspects, but also about techniques of interrogation and torture. There is no doubt that the police officers and military investigators concerned believe sincerely that their corporation and the resort to interrogation amounting to torture is justified, whether in Chechnya, Israel, China, or Turkey. In every case, this belief, this justification, is underpinned by a distortion in the perception of the human relationship concerned.

The pessimistic but realistic conclusion of this analysis is that existing human rights law and procedures are powerful enough to counteract this network. Despite this, it is fundamentally important to face up to the historical realities of torture, whatever political, religious, or national affinities may be. Thus, the case brought against General Pinochet and the details of torture carried out under his regime informed public opinion both about the reality of torture and also its underlying purpose as an instrument of state terror. Another case, which has had the same effect of forcing a reluctant public's attention, is that of Teniet El-Hdd, who was born to a sixteen-year-old Algerian girl who had been tortured and repeatedly and brutally raped by more than thirty French officers in an Algerian internment camp. In 2001, a French court awarded damages to the son, thus breaking the preexisting taboo about official recognition of torture and rape by the French army in Algeria.

The final example, of belated recognition of torture and illegal killing is drawn from Geneva, Switzerland, home of many international and human rights organizations. Many visitors include in their itinerary the impressive and monumental Wall of the Reformers, at the foot of the old town of Geneva, commemorating Jean Calvin and his fellow Protestants. The visitor can have little doubt of the pride that underlies such a memorial. Few visit another memorial, just next to Geneva's medical school, which is in memory of Michel Servet de Villeneuve d'Aragon, who was tortured and burned at the stake in 1553, one of the many Catholic victims of the theocratic regime of Jean Calvin. The inscription reveals the deep-seated ambivalence that exists when condemning torture: "Respectful and grateful sons of Calvin our great reformer but condemning an error which was that of his century and strongly attached to liberty of conscience according to the true principles of the Reformation and the Evangile we have erected this expiatory monument." It is a clear illustration of the ambivalence toward the perpetrators of torture and the failure to recognize the fundamental flaw in the relationship between the state and the individual, which underlies such abuses.