

SHINE THE LIGHT ON TORTURE



"Torture is not acceptable. No civilized society condones its use.... For centuries the common law has set its face against torture." Lord Nicholls, in a decision issued by the British Law Lords, December 6, 2006.

In 1789, the framers of the Constitution made the United States the first country in the world to reject torture, by adding the Eighth Amendment to the Constitution, prohibiting cruel and unusual punishment even for convicted felons. This prohibition has since been amplified in several Federal laws and international conventions, including the Geneva Conventions and the U.N. Convention Against Torture, to which the US is a party. These conventions prohibit "cruel, inhumane and degrading" treatment in addition to torture per se.

The world was shocked by the emergence of the horrific photographs taken at Abu Ghraib, showing grinning U. S. soldiers pointing at naked detainees in humiliating positions, and menacing them with dogs. U.S. personnel have also been involved in beatings, the administration of electric shocks, and the use of a technique called "water boarding", in which a detainee is made to believe he will drown. Documents obtained by the ACLU from the Department of Defense under the Freedom of Information Act reveal that at least 44 prisoners have died in U.S. custody, 21 of them confirmed homicides. Eight of these were the direct result of "abusive techniques."

The Abu Ghraib outrage resulted in the courts martial of the U.S. military personnel directly involved – but that is all. No officers were held accountable for command responsibility, despite the widespread pattern of abuses. Most shamefully, the highest officials in our country spoke up to defend the use of torture in "limited" circumstances as necessary to the war against terror.

Senator John McCain, who was tortured as a prisoner of war in North Vietnam, introduced an amendment to the defense appropriations bill that would prohibit U.S. personnel from subjecting prisoners anywhere in the world to torture or cruel, inhumane or degrading treatment. The measure was approved by the Senate by a margin of 90 to 9, and in the House by 308, making it veto-proof. **But, in late December, Bush issued a "signing statement" rejecting the Bill's absolute prohibition on "cruel, inhuman and degrading treatment", reserving the right to construe it in accordance with his own view of Presidential power. Only the outrage of the American people, communicated to Congress and the administration, can prevent further disregard of the national and international laws against torture, and the resulting stain on our national honor.**

... "[A]lways I kept my head high as an American. There are things we do not do. There are things we stand for." Richard Cohen, correspondent for the Washington Post in Iraq.

"I waited in a barren, dimly lit police station in the former Soviet Union. A friend had been arrested by a corrupt police chief with a personal grudge, and, reports were, severely beaten. I stood between Vitale, the young human rights lawyer I had called for help; and Lidia Nikolayevna, the prosecutor, held over from Soviet times. A large, imposing woman, she was a Russian tank - and clearly furious at this challenge to her authority. Under international law, binding under her new country's constitution, an allegation of torture required her to take a sworn statement from the prisoner as to whether it had occurred. If the prisoner was brave enough to swear to it, s/he had to be sent for outside medical evaluation and treatment.

The door to the cells creaked open, and Vanya entered in handcuffs. His hair was matted with blood, and one eye was swollen shut. Any movement clearly hurt. Lidia Nikolayevna immediately began to berate him, rapping out one question after another: "What is this nonsense about torture! Why did you not say you had been tortured when you were taken to your cell?" I looked to Vitale to shut down this blatant attempt at intimidation, but he appeared at that moment to be pretty intimidated himself. I assessed the situation. I was on Lidia Nikolayevna's turf, without any official sanction. She could have me thrown into jail on a trumped-up charge too. But if Vanya was not allowed to make his statement, it would go even worse for him - possibly even fatally so.

I took a deep breath and stepped toward Lidia Nikolayevna, deliberately getting right in her face. "Lady", I said in her language. "You are out of line. Let him speak." She looked startled. "Excuse me", she said, and stepped back.

This true story has a happy ending. Vanya was taken to a hospital, diagnosed with a concussion, and ordered home to recover. An appeals court ruled his arrest and detention were illegal, and ordered his permanent release.

The prosecutor backed down because she was ashamed in the face of what I, as an American citizen, represented: justice, respect for human rights, and the rule of law. But that was more than five years ago, before the revelations of detainee abuse by Americans at Abu Ghraib, Guantanamo and places even deeper in the darkness.

After the fall of the Soviet Union, many idealistic young people looked to America as the blueprint for a democratic future. Some have risked their lives for this vision. Last week I spoke with a bewildered former colleague at an NGO for human rights education there. He asked, "what has happened to America?" I had no answer. But if I were back in that forsaken police station today, this I know for a certainty: Lidia Nikolayevna would laugh in my face."

N. C., WIB-Frederick, human rights lawyer and returned Peace Corps Volunteer

Without an absolute prohibition, torture isn't reserved for the most extreme imaginable case; it becomes a fact of everyday life.

Torture isn't something that happens only to wicked people far away; it can and does happen at a local police precinct, as shown by the preceding narrative. Only an absolute prohibition against torture and cruel, inhuman and degrading treatment can protect detainees from official abuse, especially in struggling democracies and places where law enforcement is corrupt.

Many of the detainees at Guantanamo and Abu Ghraib were civilians going about their lawful business when they were caught up in a military dragnet. Some were as young as 13 when they were incarcerated. In the United States last August, many uninvolved persons were swept up in police actions directed at protestors against the Republican Convention. Although there have been no allegations of torture, detainees were held at a makeshift stockade with inadequate food, water shelter, and sanitary facilities. Police make mistakes under pressure – and every detainee is entitled to the presumption of innocence.

Torture is Ineffective

Those who would condone torture often hold up the horrible example of the terrorist who knows where the ticking bomb is hidden. Even assuming that the right person was apprehended, there is no guarantee that s/he would divulge the truth under torture. Experience shows that people will say anything to make the pain stop, a lesson at least as old as the Salem Witch Trials. John McCain recounts that when he was being tortured for the names of his squad members, he gave the names of the Green Bay Packers offensive line.

The case of Ibn al-Shaykh al-Libi, identified as an Al Qaeda leader and captured in Pakistan in late 2001, tragically illustrates this point. He was sent to Egypt for "interrogation", where he recounted that Al Qaeda leaders had received chemical weapons training in Iraq. Although the CIA considered the story suspect, it nonetheless became a part of the case for the Iraq invasion. No other proof of any such link was ever found, and Mr. Libi now says he made the story up to appease his torturers.

Mistreatment of enemy prisoners endangers our own troops who might someday be held captive.

Senator John McCain, "Torture's Terrible Toll", [Newsweek](#), 11/25/2005.

Senator McCain explains that U.S. commitment to humanitarian values influences other nations to do the same. Although North Vietnam claimed that the U.S. was waging an "illegal" war, and was not entitled to the protection of the Geneva Conventions, international pressure yet caused them to lessen their ill treatment of U.S. prisoners.

Torture destroys the soul of the torturer even as it destroys the body of his victim. The boundary between humane treatment of prisoners and torture is perhaps the clearest boundary in existence between civilization and barbarism.

Jonathan Schell, [The Nation](#)

The countries formerly behind the Iron Curtain are sometimes referred to as "The Haunted Lands" because of the scars left by the legacy of torture, of disappearances, of betrayal. Some, such as East Germany, have set up truth and reconciliation commissions; others put on a face of normalcy. The European Union is funding numerous initiatives to prevent torture and to rehabilitate the victims of torture. Greek physicians are working with their old enemy, Turkey, to help it overcome a legacy of torture and enter the EU.

Human Rights watch World Report 2006, reports that U.S. Policy of Abuse has undermined human rights worldwide.

"New evidence demonstrated in 2005 that torture and mistreatment have been a deliberate part of the Bush administration's counterterrorism strategy, undermining the global defense of human rights.

Many countries used the "war on terrorism" to attack their political opponents, branding them as "Islamic terrorists," and the Human Rights Watch world report documents many serious abuses outside the fight against terrorism." Text from Human Rights website at www.hrw.org

The United States has been an inspiration for many nations to emerge from this darkness of national soul – how can we permit our nation to enter this terrain?

ACTIONS YOU CAN TAKE:

Sign Amnesty International's online petition against torture at www.amnestyusa.org, and urge you friends and relatives to do the same.

Call or e-mail your senators and congressperson, to insist that torture never be done in your name.

Write a letter to the editor explaining why the United States must return to an absolute prohibition against torture as national policy.

FOR FURTHER INFORMATION:

www.amnestyusa.org A complete list of resources about torture, including copies of International treaties and news on treatment of detainees, and other policy recommendations.

<http://www.hrw.org/> Human Rights Watch World Report 2006

www.cpt.org The website for the Christian Peacemaker Teams' "Shine the Light" campaign

www.aclu.org/torturefoia Includes the documents obtained from the DOD under the Freedom of Information Act, showing the deaths of some detainees.



For more information about Women in Black Frederick, MD: Check our website at www.wibfrederick.org; email info@wibfrederick.org or call 301/834-7581. All around the world, Women In Black stand in silent vigil, wearing black as a symbol of mourning for the ravages of war and violence