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EDITORIAL

IS IT OF ANY USE?

Despite the atrocities we have witnessed in Kosovo, despite the brutal assaults in East Timor, despite the massacres in Sierra Leone, and despite the iron grip of the military dictatorship in Burma — just to mention some examples — recent years have raised our hopes for a reduction in human rights violations and shown a number of counter-initiatives to be fruitful.

The opening came with the Pinochet case. The arrest of Pinochet was a landmark in the fight for human rights. A High Court declared — based on the UN Convention against Torture — that immunity does not mean impunity. A trial was avoided with reference to ill health, but the outcome allowed a much more appropriate process to take place in which the Chilean population is engaged in a dialogue that will help them finally to relate to their past. This might pave the way for a normal democracy in Chile, based on the rule of law.

In addition, the Pinochet case was a milestone since former dictators can no longer automatically expect immunity outside their own jurisdiction, and potential dictators will have to think twice before they violate human rights. In this way, the case has broken down the myth of dictators being sacrosanct. The spell is broken. It could be General Stroessner next time. He abused Paraguay for more than 35 years and is living in luxury in Brazil today. However, the Brazilian Congressional Committee for Human Rights has requested the public prosecutor to bring charges against him for his former crimes. And others could follow. In Argentina the former dictator Videla and a number of top people from the "dirty war" have been arrested and are awaiting charges by a civil court for kidnapping the children of political prisoners. In Uruguay, disappearances during the military regime are being investigated. However, it is not just in South America that confrontations with a violent past are taking place, thereby making life uncertain for former repressors.

Mengistu Haile Mariam, Ethiopia's tormentor who took refuge in Zimbabwe, found it safer to live in North Korea, a country that does not recognize the UN extradition rules for perpetrators of human rights violations. Indonesia's former President Suharto cancelled a medical visit to Europe, and former President Habré of Chad, who has 200,000 torture victims on his conscience, has been threatened with lawsuits while in exile in Senegal, although the charges were dropped in connection with a change of government. In Europe, the International Criminal Tribunal for the Former Yugoslavia in The Hague, The Netherlands, is working hard, although the trials against the biggest criminals are still to come. In the same way, we still lack progress in the trials in Arusha against the main suspects of the atrocities in Rwanda. Since 1998, there have been efforts to establish an International Criminal Court under the UN for the prosecution of crimes against humanity.

In addition to the threat posed by the courts, the dictators are being threatened in a different way, i.e. financially: Part of former President Marcos' fortune has been confiscated and returned to the Philippines, where it belongs. And the banks, not least those in Switzerland, are showing willingness to block the accounts of corrupt dictators who have robbed their countries. This is the case for the former President Mobutu Sese Seco of what used to be Zaire, Indonesia's former President Suharto, and Mali's former President Traoré, just to mention a few of the most greedy.

So, when taking stock of the most recent developments in the confrontation with dictators and other perpetrators of violations against human rights, there seems to be light at the end of the tunnel. Dictators can be isolated and publicly condemned, and this enables a subsequent moral rehabilitation of the victims. It also helps create a basis in the population for an important dialogue, thereby re-establishing some kind of justice. Finally, there is increased awareness in international organizations of the need for a greater effort in this field. So perhaps the next decades will not display such widespread atrocities and violations as we witnessed in the 20th century.

H.M.
Introduction
In the early 16th century, Erasmus of Rotterdam wrote his masterpiece, *The Praise of Folly*. In this magnum opus, Erasmus reveals the inherent and unavoidable stupidities of the mortal race. He goes beyond accepted norms and values to explore the very essence of humankind. He forgets, however, to deal adequately with the practice of torture as one of the cruelest absurdities of human life, a crime committed in many different societies in almost all periods of history.

When John Swain published his *Book of Torture* in 1968, he cherished the hope that there would not be torture in the "millennium of civilization". He even went so far as to suggest that "torture as a means to confession has disappeared". It is unfortunate that we are far from this illusory optimism today. Through careful analysis of reliable human rights resources, one can easily conclude that torture is being practised in half the world today. In many countries there is systematic use (i.e. as a tool of political strategy) of torture and other cruel, inhuman, and degrading treatment and punishment.

Within the Canadian population there are thousands of people who carry the historical scars of physical and/or psychological torture. One can mention, among others, the following populations who escaped torture, tyranny, war, and subjugation:

- Loyalists fleeing the American Revolution
- African-Americans escaping slavery
- Scots from the Highland Clearances
- Jews escaping persecution in various countries, especially during and after the Holocaust
- Thousands of people from the former USSR and Eastern Europe escaping Stalinist torture and state terrorism.

Since the Second World War, Canada has accepted more than 700,000 Convention refugees. Among them, more than 30% (210,000) have experienced various degrees of torture.

What is torture?
In day-to-day life, people use the term "torture" to describe all sorts of annoyances. Wives are "tortured" by their bothersome husbands, husbands by their wives, and both by their teenage children. People sometimes even use "torture" for trivialities like hot or cold weather. By contrast, tyrannical regimes and their professional torturers use soft words when they refer to their horrendous acts of torture and human butchery. In Greece under the military rule, severe torture was called a "tea-party". SAVAK, the notorious secret police of the Shah of Iran, used "caressing" ("navazesh" in Farsi), instead of torture. SAVAK members used "preparing rooms" instead of "torture chambers". Under the present clerical regime of Iran, torture is replaced by such terms as "guiding punishment" or "divine penalty". Terms like "dance" or "football games" are also used by other dictatorial governments.

To avoid confusion, it is useful to examine what constitutes torture. Before entering into further discussion, it should be noted that there is a difference between the aim of torture in the past and in today's world. While in ancient Greece and Rome, and in many Oriental and Western countries, up to a century ago, torture was used as an extreme punishment, today it is used firstly as a means of extracting information or confession, and secondly as a tool of political repression.

Article 1 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment defines torture as:

"Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

As can be seen from the above definition, we cannot refer to any act of violence as torture. According to the above article, torture has four components:

1. It is severe pain or suffering, physical or psychological, which is purposefully inflicted on a person
2. It has a goal: obtaining or extracting information or a confession, meting out punishment, etc.
3. It is perpetrated by a public official
4. It is not sanctioned by law.

Despite its usefulness, the above definition is far from adequate. It does not address state and religiously sanctioned forms of torture, which are prevalent in many parts of the world. In Iran, Saudi Arabia, Sudan, Bangladesh, and some other countries, the law permits flagellation people who drink alcohol or do not observe the dress code of the government. Men and women, especially women, are stoned to death for the crime of adultery. Here, governments turn ordinary people...
into torturers by inciting them to throw stones at the victims. They are told to bury men up to their bellies and women up to their breasts and start throwing stones; they are instructed to choose stones that are neither too small nor too large, in order to prolong the victims' agony. This type of torture is a part of the criminal code of some fundamentalist countries.

Another religiously sanctioned form of torture is the act of sutee: the burning alive of a widow on a funeral pyre alongside the dead body of her husband. With the rise of Hindu fundamentalism in India, there have been reports of the revival of sutee. Although this extreme form of torture can be a voluntary sacrifice on the part of the widow, most of the time women are forced by the community or priests and/or tricked into believing they will not feel pain. There is no prosecution against people who are involved in this monstrous act and who reap super-profits out of the ashes of these women. What is worse is the total silence of the international community.

Another serious gap in the Article 1 definition of torture is the invisibility of women. While women are tortured for the same reasons as men, they are also subject to gender-related forms of torture such as female genital mutilation, dowry murder, rape, domestic violence, childhood marriage, etc.

It should not be forgotten that torture is committed not only by people in positions of authority. Today, specifically with the termination of the Cold War and the rise of ethnic conflicts, systematic torture is perpetrated by paramilitary groups and members of death squads. Article I of the Convention against Torture does not address the lack of government protection for victims of paramilitary groups (who are accountable to no one and who can therefore act with impunity).

Methods of torture
It is a tragedy that at the threshold of the new millennium there is no shortage of torturers and human butchers across the globe. Methods of torture have become more and more sophisticated and involve a combination of both physical and psychological techniques. Torturers are capable of inventing new methods tailored to the physical and psychological make-up of each victim. Some of the most common methods of torture are:

- beating (with fists, kicks, slaps, etc.)
- mutilation (amputation or cutting of body parts, extraction of nails and teeth, breaking of bones)
- water immersion (frequent submersion in dirty or cold water)
- hanging (with both hands attached to a bar, or by one leg, or handcuffing both hands together at the back by force)
- whipping (on the soles, hands, and back with instruments such as cables, batons, whips, and sticks; this is the most common and preferred method of torture because it can be initiated at any time or place and under any condition)
- electric shock (normally applied to the sensitive organs of the victim)
- rape (committed against women and men – but usually women – for a variety of purposes. Its effects on the victim are very complex; indeed, rape constitutes a category of torture in its own right).

Other methods include exposure to physical hazards and to food, water, and sleep deprivation. Burning is usually used when the torturers want to extract 'urgent' information from the victim. They strip the victim and tie his or her hands and legs to the bars of a steel bed frame. They push the victim's abdomen in a way that his or her buttocks touch an open flame set beneath the bed. The burning continues for two or three seconds. It is one of the most dangerous forms of torture and has resulted in the deaths of many victims.

Apart from physical torture, one should not forget about psychological forms of torture such as:

- kidnapping and execution of members of the victim's family
- forcing the victim to witness the torture, rape, and murder of friends, family, and fellow prisoners
- leaving the victim in a state of limbo (putting the victim into a state of readiness for torture and prolonging their waiting time) and subjecting the victim to sham executions (the victims are blindfolded and taken to the execution site, all pre-execution formalities are carried out, and shots are aimed at the air)
- systematic harassment with taunts and threats
- solitary confinement with poor sanitation
- forced ingestion of noxious substances.

Torturers normally use a combination of physical and psychological techniques against their victims, for example yelling at, insulting, and threatening their victims throughout the course of beatings, etc. In addition, torturers sometimes play pleasant music or recite popular verses from the Holy Scripture (e.g. Allah Akbar, "God is Great") while inflicting severe physical torture. This could lead to the retraumatization of victims throughout their lives, each time they hear the same piece of music or verse. Finally, it should be borne in mind that methods of torture are not limited to the above. Torture has a fingerprint specific to each country and culture.

Purpose of torture
Torture should not be approached in isolation. It is actually part and parcel of a strategy of political repression. Governments sanction torture as a part of state terrorism in order to paralyse the whole population and to convince it of the omnipotence of the regime.

Indeed, torture is one of the most extreme components of the apparatus of tyranny. It acts as a sinister short cut to maintaining power that has not been derived from the cross-section of the populace.

Pain is the hotbed of repression and torture. As it is reputed, tyranny is the by-product of cowardice because it is only cowardice that activates tyranny. In a state of war or ethnic conflict, when certain people are regarded as enemies, torture can be justified and even sanctioned by both the government and extremist groups. Torture can act as a means of intimidation against the whole population. It is practised by tyrannical regimes as a preventative measure against the masses' dissent. It can go to the extent of being used as a punitive action against third parties or even a particular community.

On an individual basis, the aim of torture is to destroy the will and personality of its victims. It dehumanizes and destroys individuals without killing them physically. The issue is not only the severe pain or suffering inflicted upon the person. It is also the prolonged psychological tension that victims experience between resisting and the possibility of betraying their country, community, family, and friends. This makes torture totally different from other types of trauma.
The scars, especially the psychological ones, last a lifetime. In some countries, torture is used in such a systematic way that a kind of torture 'mentality' or culture develops in jails and detention centres; prisoners are tortured for trivial issues and even for no reason, as a kind of hobby for torturers. In closed societies with gross human rights violations, where there is no accountability for interrogators and prison guards, the tendency toward torturing inmates becomes accentuated. Under judicial systems in which confession plays an important role in the outcome of the final verdict, the prison authorities are prone to torture people indiscriminately.

A dilemma
Imagine a scenario in which terrorists have hijacked a plane with 350 passengers, among them many women and children. Having forced a landing at a nearby airport, they send one member of their group outside as a delegate. He is captured by the police, to whom he delivers a dire message: the government has exactly three hours in which to comply with the group's demands, or else the plane, and its passengers, will be blown up. As the minister in charge of national security, you have a weighty decision to make: the chief of police has told you that the group is serious about its threat and has been known to sacrifice lives in the past. He also tells you that he knows exactly how to extract information from the delegate about the location of the bomb. This will require rather 'extreme methods' (which is his euphemism for torture). Among the passengers are your closest relatives. What do you do?

Do you sanction torture under such exceptional circumstances, in which the lives of innocent people are jeopardized? When the above dilemma was raised at different national and international educational meetings, many members of the audience preferred to remain silent and evade answering the question. A few, concerned about the lives of their family members, sanctioned torture.

A closer look at the above scenario reveals that, first of all, we are dealing with an illusory situation, which can hardly happen in real life. Tyrannical regimes turn illusions of this type into a reality, reduce them to life-or-death issues, and sanction torture. Secondly, there is another illusion that torture is an effective means to obtaining information. Even from the point of view of the perpetrator, torture may lead to more defiance and intransigence on the part of the victim, who comes to view his or her suffering as a virtue. Thirdly, people may sanction torture to save their relatives. This is, again, a wrong approach. Such an important decision should be free of personal considerations and rather look toward long-term public welfare. Fourthly, there is a false assumption that the chief of police could resort to torture in order to deal with emergency cases. This could happen under tyrannical regimes where there is no rule of law. In democratic countries, even in exceptional cases, no official can violate the law of the country and find him or herself beyond the law. Let us not forget that enjoying human rights and living in peace and harmony have a price. If we resort to violence to fight violence, it may entangle the whole society in a vicious circle. If we permit torture in exceptional situations, it may become a rule. International law does not allow torture and other inhuman, cruel, or degrading treatment or punishment under any circumstances. This rule is an absolute.

Circles of silence
Torture is being practised in a very disguised and invisible manner. Dictatorial regimes do their best to hide the practice of torture from the international community. Denial at various levels is an obstacle in the struggle against torture and in the treatment of the after-effects of torture. It operates on at least three levels:

On an individual level, victims are normally reluctant to talk out their bitter experiences in an attempt to protect themselves or others from further arrest and torture. They are also not sure that they will be understood or believed by the community. Most of the victims prefer not to speak about their torture in order to prevent further re-traumatization. In this case, forgetfulness acts as a defence mechanism. Some victims try to avoid sharing their experiences of torture and its traumatic consequences because they view this as conceding power to the torturer.

On a family level, people deny torture in an attempt to protect their loved ones. Besides, victims of torture are sometimes isolated or forcefully separated from their relatives, friends, and communities.

On a social level, ordinary people feel frightened about speaking out against torture, let alone intervening against it. Autocratic systems create a culture of silence, referred to sometimes by the grass-roots population as a "graveyard silence". In this atmosphere, people feel powerless to challenge the status quo or to change their circumstances. Most of the time, they blame the victims and do not go beyond addressing their personal daily affairs. This contributes to the perpetuation of torture.

International legal instruments
More than 50 years ago, on 10 December 1948, the family of nations ratified the United Nations Universal Declaration of Human Rights. Article 5 of this Declaration specifies that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". This is reiterated in Article 7 of the International Covenant on Civil and Political Rights, which was enacted on 23 March 1976. The first attempt to address the issue of torture in its totality was the UN General Assembly's adoption of the Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (9 December 1975). In 1982 the United Nations elaborated the Principle of Medical Ethics, which prevents medical personnel from being involved in torture or using people as guinea pigs.

It was not until 10 December 1984 that the General Assembly of the United Nations adopted the all-comprehensive Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (usually referred to as CAT). This Convention was enacted on 26 June 1987 and is the most important document dealing with the crime of torture and its prevention among the family of nations.

CAT: advantages and limitations
CAT is a useful instrument in codifying universally applicable standards against torture. It is implemented through the UN Committee against Torture, whose mandate is to monitor the practice of torture and ensure that the Convention is observed by the contracting states. To this aim, there is a special rapporteur designated by the UN Commission on Human Rights (UNCHR), whose mission is to monitor torture in specific countries.

The following articles from CAT are instrumental in any advocacy against the international evil of torture:
Article 3 stipulates that “No State Party shall expel, return (refouler) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subject to torture.” This article is one of the most important tools of advocacy in favour of torture survivors. It is an absolute, which cannot be balanced with such considerations as danger to the security of the public or risks to national security.

Article 6 speaks about the prosecution of perpetrators of torture beyond any national boundary. Torturers should be apprehended and brought before the law wherever they escape to. This article considers torture to be a crime against humanity and does not allow impunity for its perpetrators.

Article 11 delineates rules of interrogation, detention standards, and of the treatment of prisoners. This is important because jails and detention centres are usually a hotbed for the perpetration of torture and other cruel, inhuman, and degrading treatment or punishment.

Article 13 recognizes the rights of individuals to complain to authorities about torture in their countries. This article is a tool for making people in positions of authority in jails or detention centres accountable to the law of the nation.

Article 20 gives the Committee a mandate to receive reliable information about the systematic practice of torture in the territory of state parties. It could bring the states to account and make possible investigations into the practice of torture.

Article 22 gives individuals of any country the right to submit communications to the UN Committee against Torture. This is a very important preventative measure, which could make states observe their obligations.

For the Committee to act upon a communication, the State Party should have recognized the competence of the Committee, and the individual should have exhausted all local proceedings. As at April 2000, of 119 countries that have acceded or ratified the Convention, 40 have recognized the competence of the Committee.

Despite the above advantages, there is a major contradiction in the implementation of the Convention against Torture: while it is left to the contracting states to implement the Convention, torture is normally practised with the sanction of the government and by those at the apex of political power. This fact is responsible for the impunity of torturers and the ineffectiveness of the international legal instruments.

Optional protocol to the Convention against Torture

Human rights treaties are sometimes followed by “Optional Protocols” that can act as complementary procedures to the treaty or address a major area of it. Optional Protocols are treaties in their own right, and are open to signature, accession, or ratification by states that are party to the main treaty.

The UN Commission on Human Rights established an open-ended working group to draft an optional protocol to the Convention against Torture. The intention was to establish a global system of inspection, which allowed the UN Committee against Torture to make regular visits to places of detention. The Committee, on the basis of the draft protocol, could travel to any country at any time to monitor the implementation of the Convention against Torture.

It is unfortunate that some governments, not willing to have their detention systems subject to international inspection, have so far shown no interest in supporting the Protocol. Today, after seven years, the Optional Protocol is in the middle of nowhere.

Helping torture survivors

There are hundreds of institutions around the world working to rehabilitate survivors of torture. The two most widely used modes of rehabilitation are: 1) a clinical approach, which draws upon various types of medical and psychological therapies, and 2) a holistic approach, which combines clinical treatment with other social services such as befriending, instruction in English as a second language (ESL) and employment skills training. The goal of the holistic approach is to enhance the coping capacity of torture survivors and to facilitate their participation in social life. This approach was developed in the United States in the era of the Vietnam War.

In Canada many agencies offer direct services to survivors of torture. They have organized a national network for joint advocacy, information sharing, and research. The Canadian Centre for Victims of Torture (CCVT) is one of the leading members of this network. Working with community, the Centre supports survivors in the process of successful integration into Canadian society, advocates for their protection, and raises awareness of the continuing effects of torture and war on survivors and their families. The CCVT’s mandate is to provide its clients with “hope after the horror”.

Since its inception in 1977, the CCVT has provided services to over 10,000 survivors of torture, war, and generalized violence from 99 countries. The Centre offers survivors and their families such services as the Volunteer Befriending Programme, Mutual Support Groups, Art Therapy, a children’s programme, a drop-in counselling programme, and ESL classes. It also offers Coordinated Professional Services, including specialized medical and legal support. These programmes are currently being enhanced by the assistance of 257 volunteers, 152 of whom act as personal befrienders to survivors of torture. The CCVT also conducts an extensive public education programme to teach service providers and the general community about torture, its effects, and ways to provide an appropriate response. The Centre is the first of its kind to be established in North America, and the second such facility in the world.

Conclusion

We come to the end of our account of a seemingly endless tragedy of human suffering. The scientific and technological revolution at the threshold of the new millennium should halt a decline in the use of torture and other degrading treatment. Instead, medieval methods of torture, far from vanishing from the face of the earth, have become more sophisticated. The first task before us is to break the circle of silence, reveal torture in all its colours and forms, and educate ourselves and the public. We need to lobby our governments to play a pioneering role in international bodies against torture.

Although Canada has actively participated in drafting an effective Optional Protocol to the CAT, it has not been able to mobilize international communities for its finalization. It is frustrating that the Optional Protocol was not on the agenda of the UN Commission of Human Rights in its 55th session in 1999. Canada has also supported a resolution of the Commission condemning torture as a measure that “can never be justified under any circumstances, by any ideology or by any overriding interest”. This gives us, as citizens, the go-ahead to influence the government to take on a role of global leadership against torture. The prerequisite for this task is a genuine effort by the Canadian government to reform its domestic immigration enforcement system (there have been reports that under the present system, detainees
and persons under removal orders have been subject to undue force and trauma.

Canada can also present its adversarial judicial system as an example to the international community, and help other nations to develop similar legal systems. In this system, the lawyer and the prosecutor (the Attorney in Canada) confront each other in the courtroom. Truth comes out of these adversarial confrontations and minimizes the role of confession in the final verdict.

There is also a need for increased support for new immigrants to Canada who are survivors of torture. Ordinary citizens need to learn about the experience of torture and its after-effects and help victims to rebuild their lives. In terms of financial support, Canada is one of the initiators of the UN Voluntary Fund for Victims of Torture, but its contribution is minimal (USD 60,000) in comparison with other industrialized countries. Given Canada’s prominence in the human rights movement, this is inexcusable. We need to lobby the Canadian government to allocate enough resources to combat torture and provide adequate services to survivors.

Finally, it is essential to challenge the atmosphere of violence that is the source of all sorts of torture, cruelty, and atrocities. Capital punishment must be abolished, because it is the most extreme method of torture. If the world intends to live without torture, a culture of peace and non-violence needs to be fostered at a grass-roots level. The words of Mahatma Gandhi are as relevant today as they were more than half a century ago: “Absolute immorality has to be pacified by the rule of absolute morality”.

References

Acknowledgement
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Selected list of publications
received in the IRCT International Documentation Centre

Handbook of disaster medicine: emergency medicine in mass casualty situations / Boer, Jan de; Dubouloz, Marcel. - Utrecht: van der Wees, 20000000. - xxxii, 503 p.
Chronic pain in torture survivors / Thomsen, Annemarie B.; Eriksen, Jorgen; Smidt-Nielsen, Knaud. - In: Forensic science international; vol. 108. - 20000000. - p. 155-163.
Rehabilitation and prevention of torture in Bulgaria: the experience of ACET / Assistance Centre for Torture Survivors; ACET. - Sofia: ACET, 20000000. - 143 p.
Visits to detained torture victims by the ICRC (II)

The psychological impact of visits and interviews with detained torture victims a)

Marina Staiff, MD*

Torture is an experience without parallel; it is capable of causing a wide range of physical and psychological suffering. At the psychological level, torture places the victim in a position of helplessness and distress powerful enough to produce mental and emotional damage regardless of his pre-torture psychological status. The psychological effects of torture, however, occur in the context of personal meaning, personality development, and social, political, and cultural factors. It is important to recognize that not everyone who has been tortured develops a diagnosable mental illness. However, many victims experience profound psychological reactions.

Ideally, every person who has been tortured should have the opportunity to speak about his ordeal and does its appearance\textsuperscript{1} (whether such disappearance is real or imagined). This represents a sickening plunge into abandonment and distress, with the feeling that “nobody can help me”. Obviously, ICRC visits to persons in this situation are of extreme importance to them. Knowing that people on the outside are concerned about them and doing something for them is knowledge that can do much to help them to survive.

What the ICRC does during its visits, beyond its assessment and documentation work, is generally perceived by the prisoners as an invaluable means of improving their situation. They sometimes stress how much more these visits mean to them than anything that could have been accomplished as part of a simple fact-finding mission.

That said, I feel we should look beyond these high-profile aspects of the visits and ask to what extent the ICRC or other visiting organizations can do the prisoners good - or harm - when meeting them during or shortly after the interrogation period. This question has been repeatedly posed within the ICRC, and I would like to discuss it here both on the basis of the ICRC's long experience in this domain and on the experience and thought put into the subject by therapists working to help torture victims, particularly those therapists who, I feel, have something to say in response to the ICRC's questions.

I believe that some of the ICRC's working methods can themselves play a beneficial role psychologically. Generally speaking, they show the prisoner that being tortured has not caused him to be cast out of the human race, and that there are people who are concerned about him. And, as pointed out above, registration can play the symbolic role of providing temporary affiliation to a group.

Regular repetition of visits is also important. It not only

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enables the ICRC to gain a comprehensive understanding of the different problems in a place of detention, and slowly to build up meaningful dialogue, based on trust, between the organization and the prisoners, but it also constitutes foreseeable breaks for the prisoner in his everyday ordeal. Such visits are completely at odds with the machinery of repression, holding up as they do a contrasting reality – the ICRC and its mandate – against the reality of detention, interrogation, and torture. To that extent, they can bring a breath of fresh air into a stiflingly closed world whose inhabitants are supposed to have a horizon limited to the four walls around them. ICRC visits perhaps help to restore to these people an outlook that they have lost amid all the pain, the fatigue, the isolation, and the anxiety. (1)

Torture generally does harm to certain areas of the human psyche,\textsuperscript{2,3} while leaving others intact. Giving prisoners the chance to express themselves, and to demonstrate that those areas are still intact, can be a way of helping them to 'find themselves' again. When the prisoner tells a visitor from the outside world what he believes in and what motivates him, he is reminded of his own place in his cultural milieu, in his own family or social group. He can express his customs and cultural values. It can be at once astonishing, awkward, and encouraging to be greeted in a cell with hospitality and kindness by prisoners who lack virtually everything and are feeling physically unwell. It would be unthinkable to refuse this kindness, even when it is obvious that the prisoner is depriving himself of what little he has. The best thing is to thank him for his generosity and take an interest in his preferences, his view of the world, his life.

Andrea Sabbadini points out that “many survivors of torture just need to talk of their dramatic experiences with a sympathetic listener who can accept and believe them without feeling excessive horror, anxiety or pity; such 'testimonial therapy' has at times a powerful cathartic effect. At other times, longer-term psychotherapy becomes necessary.”\textsuperscript{4}

Naturally, a prisoner is not a place that can be regarded as peaceful and conducive to confidentiality. Nevertheless, despite the prison environment, the ICRC's experience is that, if an interview about torture takes place with guarantees of confidentiality, and if the delegate devotes sufficient time and attention to privacy, and shows 'intelligence', the experience will generally be beneficial for the detainee while having no pretensions of constituting any sort of therapy.

But what does 'intelligence' consist of in the framework of interviews with torture victims by persons who are not psychotherapy professionals? As mentioned above, it is essential for the listener to be clear and unambiguous. This sets him apart from the torturer in a fundamental way. It is equally essential to know the objectives of the torture, the methods used, the consequences, the groups targeted, and the coping mechanisms most frequently adopted by the victims; this not only in order to be able to 'hear' what the prisoner says, but also to show him that you know what he is talking about, that you understand (at least as far as a non-torture-victim can understand) that he has been able to convey something, i.e. that someone is there to whom he can pour his heart out.

This is corroborated by the experience of the centres for the rehabilitation of torture victims, where the therapists are aware that the more detailed their knowledge of the mechanisms used by torturers, the more effective they can be in caring for their charges.\textsuperscript{2,4-6}

In addition, as Andrea Sabbadini has written, the interviewer must listen with sympathy but without expressing too much horror, anxiety, or pity. This can be difficult because accounts of torture are a strain not only for those who give them. The interviewer may find it difficult to maintain the ever-precarious balance between being overly distant from the prisoner (as a means of protecting oneself) and getting too close (through excessive identification). Neither is usually very useful to the prisoner.

The interview may make the prisoner experience painful emotions. It can happen, though rarely, that a prisoner expresses hostility towards the interviewer, whom he takes to be either part of the repressive system itself or an idle curious bystander. Though this is always unpleasant for the interviewer, he should allow such feelings to be expressed and remain aware that an enormous charge of non-enacted aggressiveness is among the problems suffered by torture victims. Although the person taking delivery of such aggressiveness may not be the right target, this is an opportunity to try to convey in words a justified anger, resentment, and hatred.

More often, particularly when torture is a recent experience, the prisoner may burst into tears, or come close to it. In such situations, a visiting delegate may feel overwhelmed and powerless (a bit, in fact, like the prisoner himself). Showing that he cares by allowing the prisoner to express some of his suffering is probably the most appropriate thing a visiting delegate can do.

An important point should be made at this juncture. The message that the prisoner gets from his torturers is that he had better talk, and fast! If an interviewer from a human rights or humanitarian organization is not careful, he can send the same message if he avidly seeks information and is clearly in a hurry. When visiting a place of detention you must at all costs avoid urging the prisoner against his will to describe torture scenes in detail; you must avoid giving the impression that he is being subjected to some new form of interrogation, and this even if you have already explained to him the purpose of the interview. If a prisoner is clearly reluctant to speak, therefore, one should leave it at that because to insist might elicit excruciating emotions. That said, the ICRC delegate makes sure that the prisoner knows that there will be other opportunities to speak, if he wishes, in the days to come or at the next visit, and tells him that he may, if he wishes, speak with the ICRC doctor.

What the delegate usually does, sometimes following the painful moments described above, is to ask the prisoner to tell him what has happened between the time of his arrest and the present. In most cases the prisoner is telling the story for the first time, as a stubborn silence usually surrounds the subject of torture. Even when prisoners live together in groups, they seldom speak among themselves about what they have endured. Humiliation, shame, and the desire to forget usually override any desire to share it. When they are entitled to family visits, they do not discuss it with their loved ones either. And they seldom speak of it with the health-care staff of the place of detention. What usually happens is that everyone knows or vaguely guesses - but no one broaches the subject. Torture? Swept under the carpet. Yet speaking about it with someone able to understand is often precisely what the prisoner would like to do, although he may be torn between the need to tell and the desire to forget.

Putting together an account for an interviewer who is not part of the system (but has a certain knowledge of it) demands a mental effort; that is, it requires memories and images to be organized logically in terms of space, time, and sequence, so that another person can understand what hap-
pened. For it is precisely a person's normal ability to make sense of what occurs in his life that torture aims to disrupt, and it is this ability that the victim's account is intended to restore. In short, what torture may have disorganized in the victim's mind, his account to the delegate may begin to put back together.

The ICRC delegate's aim is to work with the prisoner to reconstruct exactly what has happened to him. Ideally, this process should be spread over several visits taking place in close proximity, which is possible in some cases but not in others. If the prisoner can clearly see what this process is intended to achieve, i.e. to pass that information on to the responsible authorities as part of the organization's effort to eradicate torture, the ICRC delegate can no longer be perceived as a passive spectator or as part of the repressive system.

By submitting to the authorities its conclusions, based on the allegations received directly from the prisoners, the ICRC is in fact enabling the prisoners to take a direct part in an attempt to improve the overall situation. This gives them a means of reacting to what has been done to them and a sense of empowerment. Indeed, ICRC staff often see a prisoner relax and gain self-assurance as his story is committed to paper.

These are but several considerations that certainly need further scrutiny. They should not obscure the fact that what lies at the heart of the psychic harm that can be induced by torture can obviously not be addressed in the framework of prison visits. As Françoise Sironi puts it, two factors lie at the origin of the psychic damage in torture victims: at the conscious level the impossibility to understand the torturer, and unconsciously the acceptance of the torturer's theory. Mental mechanisms such as these can only be addressed in a psychotherapeutic situation.

Finally, these considerations should not obscure the fact that it is ultimately for each prisoner himself to decide whether ICRC visits are of benefit to him.

Respecting the prisoner's informed choice

As stated above, confidentiality is the cornerstone of the ICRC's work on behalf of prisoners. This confidentiality has several aspects.

The ICRC maintains a confidential dialogue with the authorities, at whatever level, who are responsible for the detention of the prisoners it is visiting. As mentioned earlier, this requires ICRC not to make its findings public, other than in very exceptional circumstances. The resulting confidentiality is what enables it to be present in the first place, and to develop its prisoner-welfare activities in many different situations around the world.

The fact, therefore, that the ICRC goes on working in connection with a given situation while not publishing its findings does not in any way mean that those findings are positive.

At the same time, the ICRC has a confidential dialogue with the prisoners whom it visits. Provided that it obtains the prior consent of each individual prisoner concerned, it will use their allegations in representations to the authorities aimed at bringing the ill-treatment to an end.

Prisoners may refuse to allow their stories to be used for fear of reprisals. Their refusal must always be respected, even when the ICRC believes that their fear is unfounded. There is always the possibility that the prisoner knows better than the delegate, and in any case the prisoner's trust cannot be betrayed.

Therefore, in the event of refusal, a different way must be found to address the problem, a way that makes no direct use, at least for the time being, of the information obtained from the prisoners. Or one must even refrain completely from making one's findings known to the detaining authorities until circumstances allow the prisoners to feel less afraid. This may be difficult to accept because it may seem intolerable to remain silent while knowing precisely what terrible things are happening. But in such cases the prisoner's wishes must take precedence over all other considerations.

The opposite also exists and is no less difficult to deal with. It can happen that a determined prisoner in full possession of his faculties wants his story and his identity to be forwarded to the authorities in every detail, despite the risks that he knows he is running. In view of those risks (such as possible reprisals by those in charge of his place of detention), do we have the right to refuse to forward his allegations? We certainly have an obligation to discuss the matter with him and ensure that he has properly considered the implications, duly weighing his motivations and the potential risks. But one should not simply refuse to consider the request. Making his story known, bearing witness to what has happened, may be what this prisoner needs more than anything else. In such cases, his account constitutes a personal revolt that will enable him to counter the psychologically crippling effect of his torture and thus make him stronger. In view of this fact, refusing to convey his story could do him more harm than agreeing to do so.

In short, when the ICRC (or some other prisoner-welfare organization) takes on the task of speaking for the prisoner, it must never forget that the story he tells is ultimately his story, and that the use to be made of it must ultimately be left to him to decide. But the concerned agency owes this person all possible precautions to avoid placing him in danger.

Conclusions

Any direct and immediate benefit that prisoners may derive from visits is important for the ICRC, because the visits can have the effect of breaking isolation, restoring contact with loved ones, and providing an independent medical opinion or actual treatment. At the same time, an approach that is humane and informed can go some way to countering some of the psychological effects of the message that torture victims get from their oppressors.

It goes without saying that the pursuit of these direct benefits must never be separated from the ultimate goal: preventing the use of torture. For the ICRC, striving for that goal consists essentially in making oral and written representations at all levels of the authorities concerned. Obviously, continuing such visits without noting any improvement or any political will toward improvement is ethically difficult to sustain over the long term.

References


Notes
(1) Torture victims often say: "I can't think anymore."

Selected list of publications

referred in the IRTL International Documentation Centre


Note
a) The above text is a slightly revised version of a paper originally presented at the VIII International Symposium on Torture, New Delhi, India. The first part of this presentation was published in Torture 1/2000 with the title "Visits to detained torture victims by the ICRC (I): management, documentation, and follow-up".

Selected list of publications

cument. Date of printout: 20000522. Commission on Human Rights forty-sixth session.


IRCT ANNUAL REPORT 1999
EXECUTIVE SUMMARY
INTRODUCTION
Maria Piniou-Kalli, MD, President

As 1999 drew to a close, we recognized it was not just the end of another year but the end of a century and the dawn of a new millennium. Our co-responsibility for the future has never been more evident. This was highlighted at the 8th International Symposium on Torture, held in India in September. The Seminar opened new horizons for a more integrated approach to our work, by incorporating the fields of endeavour where we, as doctors treating torture victims, can find our natural allies: law, civil society, the media and non-governmental organizations.

As doctors and health professionals, we try to cure bodies and souls affected not by undiagnosed illnesses but by human barbarism. As lawyers, we try to institutionalize principles to bring an end to torture. As educators, we try to put human rights education on the agenda. Together, we can and we are making a difference. The move to create an International Criminal Court represents a decisive step towards the abolition of impunity. The arrest of Augusto Pinochet was a turning point in world acceptance that every individual can be made accountable for human rights violations.

On the threshold of a new millennium, the new era calls for each of us to contribute to the birth of a new utopia: we must no longer accept reality as it is, but must struggle to make it as it should be - a world of tolerance and 'ahimsa' (non-violence).

STATEMENT
Inge Genefke, MD, DMSc hc, Secretary-General

The eradication of torture is a responsibility that each and every individual must accept and share. Through a shared humanity, we each have a responsibility to recognize and work towards the common goal of a world without torture.

To better work towards this goal, the IRCT conducted a review in 1999 of its organizational structure and plan of action, to increase its capacity to mobilize action at the international, national, and individual level. The fight against torture was also strengthened during the year through a number of IRCT initiatives.

With support from the European Union (EU) and the UN Voluntary Fund for Victims of Torture (UNVFVT) the IRCT launched the ambitious Regional Strengthening Programme, which is designed to provide better support to existing and new centres in five global regions.

The IRCT also continued to lobby governments to fulfil their treaty obligations and increase their level of support to the UNVFVT. Some countries have increased their support, but there remains a pressing need to expand the net amount of international funding available for the work. Implementation of international conventions against torture must be strengthened, and efforts undertaken towards the prevention of torture must be more effectively implemented. It is task in which we must all share.
SUPPORT FOR TORTURE VICTIMS IN CONFLICT AREAS

Jens Modvig, MD, PhD, Medical Director

Torture is not only confined to cruel dictatorships, but is also an inherent part of inter- and intra-national conflicts. Recent examples are the Serbian 'ethnic cleansing' of ethnic Albanians in Kosovo and the Indonesian militia's violence against the East Timorese, both prior to and immediately following independence. An inherent component of the international response to such crises must be support for the most severely traumatized sections of the population, first and foremost the victims of torture.

To rise to this tremendous challenge, the IRCT conducted its first emergency action in Albania during the spring of 1999, when close to 860,000 Kosovo Albanian refugees fled into the cities in Kosovo. The IRCT provided training and support for Kosovo doctors and other health professionals who were caring for refugees in Tirana and other locations within Albania. During the training, the idea emerged that this team might, upon their return to Kosovo, form a Kosovo Rehabilitation Centre for Torture Victims (KRCT).

With support from the European Commission's Humanitarian Aid Office, the KRCT officially opened in Pristina in September 1999. The second IRCT intervention during the year was in support of torture victims in East Timor. The IRCT's intervention commenced in June 1999. Counseling and healing workshops were held in Dili and in various rural districts, and the IRCT assisted local NGO Fokus, who had been appointed by the UN mission of inquiry to assist in providing counselling for rape victims. In November 1999, the IRCT began an ongoing collaboration with the East Timorese Health Professionals Working Group, a group of local health professionals engaged in health strategy planning on behalf of UNTAET, the UN Mission in East Timor.

In conclusion, the experiences harvested by the IRCT in conflict intervention are very encouraging. There is a clear potential for IRCT to enter areas of conflict and ongoing torture, to provide immediate support in terms of capacity-building of local resources, and to initiate efforts for rehabilitation services. The IRCT is committed to increasing its expertise in this area and to increasing its collaboration with donors and providers in the humanitarian field.

REPORT ON THE 8TH INTERNATIONAL SYMPOSIUM ON TORTURE, NEW DELHI, INDIA, SEPTEMBER 1999

The 8th International Symposium, sponsored by the EU, the UNVFVT and the Danish Ministry of Foreign Affairs, was held in New Delhi on 22-25 September 1999. The Symposium was organized by the IRCT and the National Human Rights Commission of India, in collaboration with the Indian Medical Association and the Indian Law Institute. It was the first time such a symposium had been held in India.

The major highlight of the Symposium was the adoption of the Delhi Declaration and Programme of Action on Freedom from Torture. The Declaration calls for a multi-disciplinary approach, at both national and international levels, to the fight against torture, requiring the commitment of governments, national human rights commissions, the law, the judiciary, educators, and the media and health professions.

The Symposium confirmed the critical role played by health and other professions in reporting on, and documenting, the perpetration of torture. A number of the papers presented identified and described torture in their own countries or among refugee populations, and reported on the systematic use of torture, the methods and practice of torture, and the effects on torture victims. A key concern was the protection of health professionals reporting evidence on torture. Delegates gave special consideration to the importance of national medical associations, for instance, to provide support and protection to those who place themselves at risk by refusing to remain silent about torture.

The sexual torture of women in the Balkans and the genocide and abuses of women in Rwanda have resulted in increased attention on the use of rape as sexual torture. A number of papers were presented on this topic, generating a high level of debate, which resulted in a review of the definition of torture and the question of domestic violence. Another subject given special consideration was the trans-generational effects of torture on the children of torture survivors, a problem that has been observed in a number of Southern American countries in recent years.

FROM THE 1999 IRCT COUNCIL MEETING

The IRCT Council's annual meeting was held in Agra, India, in September 1999. In the President's opening speech, Dr Maria Piniou-Kalli highlighted the challenges before the IRCT: the democratization and internationalization of the

The IRCT team and a local paediatrician discuss child-health related problems in the camp and identify collaboration between the psychosocial team of Kosovar doctors and the established paediatric clinic.
IRCT; the implementation of the Regional Strengthening Programme; the promotion of local expertise; and the organizational development at the IRCT Headquarters.

Secretary-General Inge Genefke reported on IRCT activities during 1999. Major achievements included the increased mobilization within the IRCT network on urgent action cases and conflict intervention for torture victims in Kosovo and East Timor, resulting in new centres being established in Pristina and Dili.

Reports from the pre-Council working groups were presented and accepted. Five working groups had been established to address the following issues: reparation, research, prevention, public relations, and the future of the IRCT.

The Council decided to hold the next annual meeting in October 2000 and to hold the IX International Symposium on Torture in Morocco.

**IRCT ACTIVITIES IN BRIEF**

In 1999, the IRCT strengthened its efforts in the field of research on torture-related issues. A major highlight was the 1st International Research Training Seminar, held in Greece in June 1999, with 23 participants from 13 countries.

The IRCT launched a survey among 115 rehabilitation centres to identify the range of primary and secondary activities and training strategies currently being implemented. Over 16,000 people received training within the IRCT network during the year, including health professionals, councils, judges, prosecutors, police officers, teachers, soldiers, and peace workers.

The IRCT actively promoted the needs of torture victims in a range of international forums. At the 55th Session of the UN Commission for Human Rights, the IRCT closely followed and intervened on resolutions on torture, impunity, and reparation. The session also led to the launch of CINAT, the Coalition of International NGOs Against Torture, and the IRCT, a founding CINAT member, participated in a panel on impunity.

The IRCT’s quarterly journal, TORTURE, is distributed to over 7,000 subscribers in 150 countries worldwide. In 1999, the IRCT reviewed 138 manuscripts, of which 64 were published in TORTURE and a TORTURE supplement. Supplement 1/1997, *Conditions in prisons: prison visits, medical legality* was translated into Russian, Chinese and Spanish. A new information brochure on the work of the IRCT was published in January 1999.

For the second consecutive year the IRCT coordinated the international campaign to commemorate 26 June, UN International Day in Support of Victims of Torture. Events were organized in more than 80 countries worldwide, and organizations participating received a range of IRCT-produced materials, including press kits, posters, and t-shirts.

**The Regional Strengthening Programme**

In 1999, the IRCT launched the Regional Strengthening Programme, with a view to strengthening rehabilitation services for torture victims on a global level. Project co-ordinators were appointed to reinforce the capacity of rehabilitation centres and programmes in 5 global regions:

**ASIA**

A growing trend in this region in recent times has been the quelling of opposition movements by governments through the use of increased and systematic violence directly targeting communities and ethnic groups. In 1999, the region witnessed an increased use of looting, burning, massacre, rape, and other acts of torture to suppress independence movements and to carry out ‘ethnic cleansing’.

In countries such as Indonesia, Sri Lanka, the Philippines, and India, national human rights commissions succeeded in placing torture-related issues on the national agenda. For example, a major achievement of the Indian National Human Rights Commission was the payment of compensation to victims of police torture.

The rehabilitation needs of torture victims and their families throughout the region are considerable. The major challenge is to identify more effective methods for the prevention; and ultimately the eradication, of torture and to facilitate the recovery and reintegration into society of torture victims and their families. The IRCT conducted local training seminars in Cambodia, East Timor, Indonesia (Aceh), Malaysia, and Myanmar to assist in strengthening the treatment capacity of health professionals and human rights activists. These seminars led to the establishment of...
Executive Summary

For CHOGM.

Consolidation of torture victims in the sub-region are to strengthen donor support for rehabilitation needs of torture victims. The 1999 extradition proceedings against former Chilean dictator Pinochet focused the world's attention on the impact of immunity.

Despite the fact that rehabilitation centres and programmes have operated for more than two decades, only a limited proportion of torture victims have actually received treatment to date. A further challenge is the sharp decline in funding for rehabilitation work, despite the fact that the existing rehabilitation needs far exceed services available.

The establishment of the Latin American Network in 1999 was a major first step in developing a regional strategy to secure the funding needed to sustain both new and existing rehabilitation centres and programmes. In 1999, the IRCT also established new pilot projects in Mexico and Paraguay in collaboration with existing centres in these countries.

Middle East and North Africa

As a consequence of war, political instability, and social unrest, this region maintains a high record of human rights violations. Disappearances, incommunicado detentions, exiles, unfair trials, and acts of torture comprise the region's most alarming human rights abuses. At the same time, however, 1999 marked a year of renewed optimism and hope for peace in this region. Many countries in the region entered into a process of political reform and a new era of peace-building.

Central and Eastern Europe (CEE) and the Newly Independent States (NIS)

During 1999, the problem of state-sanctioned torture remained a prominent issue in Central and Eastern Europe and the Newly Independent States, as a consequence of the region's political history and the complexity of its present geo-political situation.

IRCT Project Coordinator, Vanessa Saenz Prytz, meets with local women from a community in Mexico. Several community leaders in this community have been detained and tortured.
The effects of past repression, current conflicts, and the ongoing practice of torture by law-enforcement agencies call for a strategic approach in addressing rehabilitation needs and in developing and implementing prevention activities. There are currently an estimated 900,000 to 1,500,000 torture victims in need of rehabilitation.

Four areas in the region were prioritized: Moldova, Russia, the Trans-Caucasian Republics, and Central Asia. The IRCT organized network meetings with the Balkan Network and the Central and Eastern European Network. Pre-investigative missions were conducted in St Petersburg, Russia, and Chisinau, Moldova, to develop project proposals and provide local training seminars. These initiatives resulted in the establishment of torture victims continues to

In 1999, existing funds for the rehabilitation of torture victims continued to fall far short of existing needs. A major priority for the Donor Relations Programme is the securing of increased and diversified funding to ensure the sustainability of rehabilitation centres and programmes worldwide. The EU remains the single biggest global donor, contributing USD 7-8 million annually. Despite this, 1999 was the second consecutive year in which some centres had difficulty securing funding due to administrative changes in the European Commission. The UNVFVT is another major multilateral donor, contributing around USD 5 million each year. The IRCT continues to lobby UN Member States to increase their contribution to the Fund. Bilateral funding amounted to around USD 3 million in 1999, with DANIDA making the largest contribution. Private contributions also play a key role in funding the work against torture. In 1999, the Oak Foundation again rescued a number of rehabilitation centres around the world at risk of closure. The IRCT estimates that private sources account for around USD 1 million for rehabilitation centres in developing countries and in regions such as Central and Eastern Europe and the Newly Independent States.

The US Torture Victims Relief Act (1998) (TVRA) is a major recent achievement in securing funding support for victims of torture. The IRCT and the Centre for Victims of Torture in Minneapolis played a key role in the TVRA, which provides USD 10 million for rehabilitation centres in the US over the next 3 years. A further USD 10 million is allocated by bilateral assistance for victims of torture and another USD 5 million for the UNVFVT. The IRCT seeks to promote the TVRA as a model for use by other OECD countries to make similar commitments to fund rehabilitation centres and programmes, at home and abroad. By funding the rehabilitation of victims of torture, governments can strengthen the impact of their overall development assistance programmes.

At present, combined funding from all sources amounts to USD 16-17 million per year, while actual funding needs for existing centres and programmes are estimated to be no less than USD 33 million, a net deficit of around USD 15 million. This deficit has serious implications for the sustainability of rehabilitation centres and programmes around the world, but it is only a nominal amount when compared to the total contribution of development aid provided by OECD sources. The IRCT maintains that the allocation of a small percentage of current development aid budgets in the EU and within the UN towards rehabilitation services would greatly reduce the gap between existing funds and existing needs.

Income and expenditure

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In 1999 Dr Inge Genefke was invited to testify in the US Senate on the needs of torture victims for rehabilitation. The Senate hearings were reviewing implementation of the Torture Victims Relief Act (TVRA). A reception was held in Washington, D.C., to honour the four political leaders behind the TVRA, Senators Rod Grams and Paul Wellstone, and Representatives Tom Lantos and Christopher Smith. From the left: Douglas A. Johnson, Executive Director of the Center for Victims of Torture (CVT), Richard Swett, US Ambassador to Denmark, Professor Harold Koh, US Assistant Secretary of State for Democracy, Human Rights and Labor, and Dr Inge Genefke.

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Turkey continues harassment, arrests, and torture of medical doctors

Outstanding Turkish medical professor prohibited from commenting on torture for five years

Henrik Døcker

Intense attention was paid by the international community to this year's trials of three Turkish medical doctors, all engaged in the rehabilitation work of torture victims, who were accused of various crimes such as making statements that are friendly towards the Kurds or that criticize policemen.

In June 2000, Professor Veli Lök, perhaps the most dedicated and respected Turkish physician involved in the long battle against torture and in the professional medical assistance to the victims, was sentenced by a court in Izmir to refrain for five years from publicly giving his opinion on torture. The reason was that he had commented on the treatment of Dr Zeki Uzun before the trial of the latter was concluded, thereby violating art. 30/3 in the Turkish Press Law.

The gynaecologist Dr Uzun was for his part charged with aiding PKK terrorists (supporting the Kurds), but in May he was acquitted by the Izmir Court. In a statement to the court he described the harassment and torture the authorities exposed him to while he awaited trial. The third accused, Dr Alp Ayan, was brought to court for trying to attend a funeral and charged with resisting the police officers who tried to disband the procession.

Among the audience in the State Security Court in Izmir were Dr Inge Genefke, Honorary Secretary-General of IRCT, Mr Jørgen Funder, President of the Danish Medical Association, and Mr Delon Human, Secretary of the International Medical Association. Dr Genefke, who has personally attended eight trials against doctors in Turkey within the last three years, condemned "the harassment, persecution, and torture against the foremost peaceful warriors against torture as well as the most renowned Samaritans dealing with torture survivors."

"To go after Professor Lök is outrageous" Dr Genefke observed. "This highly respected orthopaedic surgeon and Head of the Human Rights Foundation of Turkey (HRFT) has been in the forefront of the battle against torture for about 25 years. These charges are expressive of a political will in Turkey to destroy the work which is being done at the five centres for torture victims." (in Ankara, Istanbul, Adana, Izmir and Diyarbakir – ed. note).

It is the general impression of several foreign visitors to the trials of Turkish doctors that there has been no improvement in the human rights situation, despite various pledges from parts of the Turkish authorities. Also a larger group of members of the United States Congress, the so-called Congressional Human Rights Caucus, expressed serious concerns about the trial. A statement addressed to the Prime Minister of Turkey, Mr Bülent Ecevit, referred to "these outstanding doctors and human rights defenders [...] on trial for treating persons who have been subjected to the vilest form of human rights abuse" and added: "The Turkish government has a legal obligation to prevent torture and, according to the European Convention for the Prevention of Torture, to provide compensation and rehabilitation to torture victims."

Turkey's general strategy, however, is for the time being characterized by what might be called a stop-go policy. It must be recalled that as of 1 March, 2000 the hitherto existing prohibition of using Kurdish names has been repealed by the Turkish Supreme Court. The President of the Court, Mr Ismet Aslan has stressed that a Kurdish citizen will from now on be allowed to call his/her child by whatever name he/she chooses. To maintain the prohibition would – in the words of the Court's President – reinforce the discrimination. "This decision is binding on all kind of courts" Mr Aslan added. "This is a step towards respect of human rights."

The history of the Turkish torture rehabilitation centres is characterized by the paradoxical attitude which the Turkish government persistently has demonstrated: While politicians and other officials strongly condemn the practise of torture, policemen all over the country keep torturing detained people, mostly Kurds. About five years after the opening of the first centre in Ankara, the doctors have come under pressure. Turkish authorities have tried to force physicians at several of these centres to hand over lists of patient names in flagrant contradiction of the Hippocratic Oath. Owing to international pressure, this has not been successful.

Hosts of prominent doctors, politicians, and lawyers from foreign countries have attended the many trials, being convinced that it is important to be present and that the Turkish government continuously practises hypocrisy when it promises the Council of Europe, the European Union, other international organisations, and individual governments that it is amending its laws and changing its practices.

However, the sad effect of the trials is that many Turkish torture victims now are afraid of going to the doctor to get the necessary help. At police stations they are told that they are not permitted to visit the centres.
Torturing Turkey acknowledges widespread violations of human rights in case raised by Denmark

The European Court of Human Rights in Strasbourg established friendly settlement between Denmark and Turkey, but torture of Turkish doctors continues

Henrik Döcker

In a friendly settlement in the form of a judgement delivered at Strasbourg on 5 April 2000, Turkey acknowledged the allegations of torture on a former Turkish, now Danish, citizen and accepted to pay DKK 450,000, i.e. USD 58,000. Consequently, the European Court of Human Rights decided unanimously to strike the application from its list. The Court did not mention the name of the applicant, but 43-year-old Kemal Koc, born as a Turkish citizen, but living in Denmark now, is well known to Danes as well as Turks.

Koc is the first European citizen who was lucky enough to have his new country of residence take over the case of an individual. Thus Denmark transformed his individual application against his former homeland to a state-to-state application, including allegations of torture in Turkey in general. Koc paid a visit to his old country in 1996, since he wanted to be present at his brother's funeral. He was detained for six weeks, beaten, and exposed to psychological torture. He was only released and allowed to leave for Denmark after strong diplomatic pressure by the Danish Government.

The Danish and Turkish governments agree that the use of inappropriate police interrogation techniques as practised in this case constitutes a violation of Article 3 of the European Convention on Human Rights, which prohibits torture. This will be prevented in the future, it said in a mutual declaration. The two governments recognize that this aim can best be attained through better training of policemen. The Strasbourg-based Council of Europe initiated a comprehensive programme for improving the education of policemen in 1997. Denmark is already contributing to this programme. The two governments have now decided to establish a continuous bilateral Danish-Turkish political dialogue.

Declaration by the government of Turkey

In a declaration, the Turkish Government regrets the occurrence of occasional and individual cases of torture and ill-treatment despite "the resolute action of the government and existing legislation as well as administrative regulations". New legal and administrative control and punishment regulations have been adopted as a consequence of which such individual acts according to the Ankara Government substantially decreased. However, torture still takes place! The Court of Human Rights in Strasbourg has found Turkey guilty of violation of the prohibition against torture in the European Convention on Human Rights several times.

It should be recalled that the policemen who ill-treated Kemal Koc in Ankara in 1996 were acquitted by the Turkish High Court, but this judgement has been appealed to the Supreme Court. Mr Koc furthermore wants to have repealed the sentence passed on him in 1997 in absentia: four years' imprisonment for supporting the PKK, the Kurdish Workers Party, which is also a guerrilla movement.

Within the last year, Articles 243, 245, and 354 of the Turkish Penal Code were amended to redefine and prevent torture and ill-treatment in accordance with international conventions, and the penalties for such criminal acts were increased. The amendment of Article 354 stipulates the prosecution of doctors and other medical personnel charged with drafting false reports regarding cases of torture or ill-treatment. Simultaneously, Turkish police threaten and - under various pretexts - charge medical doctors at rehabilitation centres for torture victims, as well as arrest and torture them.

"The Regulation on Apprehension, Custody, and Interrogation", which came into force on 1 October 1998, brought procedures in line with the standards of the Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment and the European Convention for the Prevention of Torture (CPT). A circular from the Prime Minister's Department concerning increased respect for human rights, issued on 25 June 1999, introduced measures to ensure the effective implementation of the above-mentioned regulation by all relevant public authorities as well as enhanced control of implementation. All this is fine in theory.

New legislation - will it change practices?
The circular stipulates that governors, district governors, public prosecutors, public inspectors, other officials entitled to inspection, gendarmerie commanders, and police directors are authorized to implement random checks and inspections. The circular also stipulates that necessary measures will be rapidly taken to remedy deficiencies found during these inspections, and necessary procedures will be initiated for officials at fault. In addition, the Ministries of Justice and the Interior will submit once every three months, starting from 1 January 2000, written information on the results of reports prepared with regard to these checks and inspections for the Human Rights Co-ordinating High Committee of the Prime Minister's Department.

Finally, the Law on the Prosecution of Civil Servants and Other Officials, which was approved by Parliament on 2 December 1999 and has entered into force, facilitates the initiation of investigations and prosecution of public officials.
Brief summary of the allegations against three Turkish doctors:

Dr Alp Ayan
Dr Alp Ayan from the HRFT Izmir Treatment and Rehabilitation Center as well a executives and members of various unions, professional chambers, associations, and political parties were detained after they went to Helvac village to attend the funeral of a young man who died after a massacre at Ankara Ulucanlar Prison some days earlier. However, the gendarmerie who set barricades at the village entrance prevented the group from attending the funeral. The gendarmerie then attacked the group and detained 68 persons under beating. The detainees were kept in detention for three days and then referred to Aliaga Penal Court of First Instance. Fourteen of them were remanded and the rest were released to be prosecuted without arrest.

Aliaga Penal Court of First Instance gave the decision of remand on the allegations of a breach of the Law on Meetings and Demonstrations no. 2911. The Court sent the file to Izmir State Security Court (SSC) in Izmir on the grounds that it is also within the content of Article 7/2 of the Anti-Terror Law. This court gave a decision of non-authorization on the grounds that the elements of the Anti-Terror Law were not fulfilled, and sent the file to the Court of Cassation to decide on the responsibility.

The Court of Cassation decided that the case was not related to the Terror Crimes, and assigned Aliaga Penal Court of First Instance for the prosecution. Meanwhile, this Court refused the lawyers' demand of release of the defendants. The sentence that the defendants face in the trial is imprisonment terms between one and a half and three years. A secretary at the HRFT office in Izmir, Ms Gunseli Kaya, was detained together with Dr Ayan for more than three months.

Professor Dr Veli Lök
Professor Dr Veli Lök made several press statements to convey his opinions and inform the public about the ill-treatment, detention, and subsequent remand of human rights defenders, including his colleagues Gunseli Kaya and Dr Alp Ayan, who with a group of 100-120 people in September 1999 went to Helvac village to attend the funeral of a young man who died during a massacre at Ankara Ulucanlar Prison. One of his statements was published in the daily Cumhuriyet as a news story entitled "They are made to pay for their fight against torture" on 31 October 1999.

Upon the order of the Ministry of Justice, Izmir Public Prosecution Office made an investigation and subsequently launched a trial at Izmir Penal Court of First Instance No. 2 against Professor Lök and Fikret İkiz, editor-in-chief of the daily Cumhuriyet, in connection with this statement on the allegations of a violation of Article 30/3 of the Press Law. In the trial, Professor Lök faces an imprisonment sentence between one and six months, and a fine.

Dr Zeki Uzun
Dr Zeki Uzun was detained by police officers from Izmir Security Directorate Anti-Terror Branch in his office on 19 December 1999, on the allegations of "aiding an illegal organization and sheltering its members," because of providing medical treatment to two patients, who are alleged members of an illegal organization. Dr Uzun was kept in detention for seven days during which he was subjected to physical and psychological torture, as specified in a medical report issued by Izmir Medical Chamber's Medical Examination and Reports Commission after the necessary medical examination and tests were carried out. He was referred to Izmir State Security Court (SSC) and released to be prosecuted without arrest, as one of the 15 defendants in the trial, under Article 169 of the Turkish Penal Code.

In this context, the request for permission to initiate an investigation by public prosecutors of civil servants for crimes alleged to have been committed in connection to their duties has to be concluded within four and a half months, including the period for appeal.

Turkish torture victims go directly to Strasbourg
The new law clarified many issues concerning the trial of public officials, determined the bodies that were authorized to allow an investigation, and stipulated the authorities that were entitled to carry out preliminary examinations and preparatory investigations. It should be recalled that the Court of Human Rights in Strasbourg (and previously the Human Rights Commission until its abolition in October 1999) accepted several applications regarding torture from Turkish citizens, even though they had not exhausted all national remedies, as required in the European Convention on Human Rights.

It became necessary to make this exception, since complaints to Turkish authorities (the Public Prosecutor’s Office) in almost all cases did not result in any action from the Prosecutor. No torture complaint has ever been satisfactorily investigated. Thus, there was no reason to wait for this mockery of justice. It remains to be seen whether the many law amendments and the many judgements in Strasbourg, where Turkey has been found guilty in violation of the European Convention, will have any influence on future cases. Despite the political development, the strong desire of Turkey to join other European countries as a member of the EU, no Turkish politician has indicated that this in any way will pave the way for the abolition of torture. Until now, any thus inspired optimism has been disappointed.

Editorial note

Latest news
The sixth hearing in the Alp and Kaya trial took place on 19 September 2000. Although witnesses were heard this time, the case could not be finished and was postponed for two months. From a legal point of view this trial is meaningless. The real problems are the existence of torture and the ways in which doctors, especially Emir doctors, are able to investigate it, describe it, and document it. The hearing raised international awareness of these problems. The following organizations attended the hearing: The IRCT (Denmark), CVT (USA), The Berlin Medical Association (Germany), and the Primo Levi Association (France).
International Criminal Court (ICC): an end to the culture of impunity?

The 50-year vision of the ICC comes true

Libby Tata Arcel, Psychologist, Associate Professor*

In July 1998 in Rome, 160 nations adopted the Statute providing for the establishment of a permanent International Criminal Court (ICC) at the end of a United Nations Diplomatic Conference of Plenipotentiaries. (1) A vision which originated within the International Law Commission, and which spanned more than 50 years, was realized. The national delegations and NGOs celebrated the establishment in an euphoric, hopeful atmosphere. The euphoria was only hampered by the fact that seven States and among them China, the USA, and Israel voted against and 21 countries abstained.

In spite of rules and laws defining and forbidding war crimes, we have up to now been lacking a system which in our century - with the worst violence in the history of mankind - could enforce these laws and prosecute and punish individuals committing the most serious crimes.

The International Court of Justice, the principal judicial organ of the UN, has no jurisdiction over individual criminal responsibility and regulates only disputes between States.

The Statute provides the ICC with jurisdiction over the worst crimes committed in conflicts both within and between nations: genocide (art. 6), crimes against humanity (art. 7), war crimes and crimes of aggression (art. 8). The Statute provides for the ICC to reside in The Hague, The Netherlands. (2)

These crimes are specified in the Statute and are carefully defined to avoid ambiguity or vagueness. The definitions in the crimes in the Statute are the product of years of hard work involving many national delegations and their experts.

In contrast to the ad hoc Tribunals for Rwanda and the Former Yugoslavia, the ICC will not be limited by time and place. It will be able to react more quickly and its mere existence as a permanent institution will hopefully prevent violations in the future. It will encourage States to investigate and prosecute crimes in their territories and if they do not, the ICC will exercise its jurisdiction.

By September 2000, 19 States have ratified and 112 have signed the ICC Rome Statute. The Russian Federation became the 112th State to sign. The support for the ICC is strong among UN nations and it is important to note that during the Millennium Summit (September 2000) 12 additional signatories and four ratifications were obtained. The Rome Statute requires 60 States to ratify the instrument before it enters into force and the number of ratifications is constantly increasing. Most countries have declared to prepare for ratification during 2000.

However, despite strong international support, several serious attacks on the integrity of the Statute have been attempted from the United States in an attempt to prevent the surrender of its nationals to the Court by placing limits on the jurisdiction of the Court.

By holding individuals personally responsible for war crimes, the ICC represents a powerful tool to provide redress to victims of serious crimes. The ICC has the potential to prevent and diminish future atrocities by fighting impunity. This of course requires the necessary political will to create an externally - and internally - strong institution equipped with appropriate and efficient procedures and resources. Without this, the ICC will not be effective in combating international crimes.

A Preparatory Commission (PrepCom) is charged with the responsibility of preparing definitions of the Elements of Crimes and Rules of Procedure and Evidence for the function of the ICC, to be considered and adopted by the Assembly of States Parties. In 1999 and 2000 the PrepCom held five meetings at the UN Headquarters in New York and is expected to finish its work by the end of 2000. The work of the PrepCom is open to all States invited to the 1998 Rome Conference. In addition, relevant intergovernmental bodies and NGOs participate as observers.

The role of NGOs

The establishment of the ICC represents the intensive and persistent work not only of legal experts and UN national delegations, but also of the international civil society, organized in the NGO movement in the field of human rights. A large coalition of NGOs, the Coalition for an independent Criminal Court (CICC), of which the IRCT is a member, played a substantial role in the preparation of the Rome Conference and in each PrepCom meeting by assisting national delegations, preparing recommendations, and by publishing reports, pamphlets and papers on various topics. (3)

As a member of the CICC, the IRCT has participated in the preparation of recommendations. In April 1999, the IRCT was invited by the Ministry of Foreign Affairs of France to participate in an international seminar "On Victims' Access to the International Criminal Court". The IRCT participated with two experts in a workshop on Reparation and acted as rapporteur for a workshop on Protection of Victims and Witnesses. The report of the seminar was presented as a UN document for the PrepCom meeting in August 1999. The drafting Committee for part 4 of the

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Statute – concerning the Witness and Victims Unit – used this report as the basis for negotiations during the December 1999 PrepCom meeting.(4) At both the Paris seminar and the PrepCom meetings, the IRCT informed national delegations on relevant matters concerning the rights of torture victims appearing before the Court. The IRCT promoted the interests of torture victims in criminal proceedings before the ICC and sought to ensure progress in informal State discussions and written proposals concerning the rights for protection and support of victims of torture.

What have we achieved by the establishment of the ICC and which are the major problems that can prevent the ICC from being effective?

The achievements
The Rome Statute on the establishment of the ICC reflects a number of key achievements, including:

An end to impunity
The establishment of the ICC expresses growing global consensus on the necessity of fighting against impunity. Since the Military Tribunals in Nuremberg and Tokyo, there have been only two tribunals established to bring perpetrators to justice: the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia, both of which were established under the UN Security Council. While the jurisdiction of these tribunals is limited in time and territory, and necessitates consensus among the permanent members of the Security Council, the ICC will have no such limitations in relation to countries which have ratified the Rome Statute.

Principle of complementarity
The Rome Statute emphasizes the primary responsibility of national judicial systems to prosecute their own nationals. The ICC will not be a substitute for national courts if these are able and willing to fulfil their responsibilities. The ICC will exercise its jurisdiction only when States fail to carry out their responsibilities under international law. However, it is hoped that the mere existence of the ICC will have a catalysing and inspiring effect to the extent that national legal systems will fulfil their duties by investigating and prosecuting atrocities committed.

Independence of the prosecutor
The ICC may act in three ways: reference by a State Party; reference by the UN Security Council; and on the initiative of the Prosecutor. The ICC will then conduct an investigation based on evidence from victims, witnesses, the media, and other non-State actors. The NGO community plays a critical role in this respect in defending the right of the victims to have direct written and oral access to the prosecutor.

Individual responsibility
The ICC can indict individuals for criminal acts (arts. 6, 7, 8) regardless of their official capacity as Heads of State or Government. Military commanders will be criminally responsible for crimes committed by forces under their control. This provision affirms the responsibility of all individuals under international law and rejects the defence of acting under the orders of superiors.

Protection of victims and the accused
The Rome Statute promotes: a) the right of victims to participate in all phases of the legal process, b) witness protection, and c) establishing forms of compensation and rehabilitation. Agreement on a Counsel for taking care of the interests of witnesses was adopted under the PrepCom meeting in November/December 1999.

Prioritizing crimes of a sexual nature
The Rome Statute explicitly incorporates the gender perspective by clearly defining crimes of a sexual nature, such as rape, sexual slavery, forced impregnation, enforced prostitution, and other gender-related crimes as crimes against humanity. They are also war crimes when they are committed as part of international or internal armed conflict. The Statute also addresses the gender composition of the ICC in order to promote sensitivity to gender-specific violations.

Cooperation
State parties shall, in accordance with the provisions of the Statute, fully cooperate with the ICC in its investigation and prosecution of crimes within its jurisdiction. The Statute’s definition of torture is in accordance with the UN Convention against Torture, and the definition of victims includes indirect victims, such as individuals witnessing acts of torture.

Finding the balance
Many critics are afraid that the ICC will only be a paper tiger and will at best be an ineffective and bureaucratic body. Countries like the United States of America see in the ICC a threat to their national sovereignty. It is for sure that the USA during the PrepCom meeting in November/December 2000 will work for a specific US exemption regarding surrender of its nationals to the Court. If it succeeds, it will be a serious attack on the integrity of the Statute.

The Rome Statute is comprised of 13 parts, 128 articles, and hundreds of paragraphs. Each article and each paragraph of the Statute entailed extensive negotiations between States during the PrepCom meetings. The result represents a compromise, based on varied and, at times, contradicting political interests. Consequently, a number of crucial issues remain in the balance:

The independence of the ICC
Will the Prosecutor have the power to initiate investigations when sufficient evidence exists about serious violations or will there be an inherent susceptibility to political manipulation by States or the UN Security Council, which has the authority to delay cases if all permanent members so agree? The Rome Conference supported an independent Prosecutor. However, the Prosecutor must defer to the States who will and are able to prosecute their own nationals, and cannot initiate an investigation before obtaining permission form a Pre-trial chamber composed of three judges.

Restrictive jurisdiction
UN Member States that are not party to the Statute have the right to prevent justice by not accepting the jurisdiction of the ICC unless the UN Security Council refers the case to the ICC. Non-party States may also accept the Court’s jurisdiction on a case by case basis.
In conclusion, many feel the establishment of the ICC for war crimes as important as the adoption of the United Nations Charter, but it will take some years and many negotiations and compromises before the ICC can be an effective tool for punishing the torturers of the world. The NGOs have an important role to play in supporting the Prosecutor in his investigation of war crimes. Currently the most important task for NGOs is to be active in the CICC campaign to get the Statute ratified by as many States as possible.

Has your State ratified and what is your country's plan for ratification of the Statute?

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Notes


(3) Coalition for an International Criminal Court (CICC). Headquarters: e-mail: cicc@iccnow.org, http://www.iccnow.org, Tel: +1 212 687 2176, Fax: +1 212 599 1332. European Network: e-mail: cicc.europe@beon.be, Tel: +32 2 502 62 15, Fax: +32 2 502 62 38.


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Selected list of publications

received in the IRCT International Documentation Centre


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LETTERS TO THE EDITOR

The Archana Guha case

Dear Editor of Torture,

I would like to make a brief comment on the review of the book The Archana Guha case – Against torture in police custody, published in Torture, issue 1, 2000.

Archana Guha’s marathon legal battle against her torturers in police custody has become a symbol of the civil society’s resistance to state terrorism. Anybody who has kept track of the case knows that Archana and her family from the very beginning got the support of the Association for Protection of Democratic Rights (APDR) and several other people’s organizations.

A government ban on APDR, imposed in 1975, was lifted in 1977 around the same time the case was filed. There are numerous press reports, leaflets, etc., testifying to the fact that they have always stood by Archana in her epic struggle through awareness campaigns, demonstrations, press statements, and gatherings in court.

The fight is not yet over. The guilty policemen who were sentenced in 1996 are still free on appeal. Every APDR activist still waits to see them behind bars and wishes the final victory of Archana Guha.

Tapas Chakrabarty
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The politics of trauma

In June 1999, I attended a one-week course entitled “The Politics of Trauma” during the annual summer course in Psychiatric Epidemiology and Transcultural Psychiatry at McGill University in Montreal, Canada. It was a good opportunity to listen to the expert opinions of various speakers. A lot was said about understanding trauma and its consequences for the individual. The history of epistemological aspects and the genealogy of the diagnosis of a syndrome in the victim were beautifully elaborated. Controversies in the care for those suffering from PTSD were discussed, as well as deficiencies in our roles while working with survivors as refugees and in their native countries.

Importance of prevention

However, I badly missed one vital aspect of trauma/torture during the discussions. This aspect is prevention. Despite increasing conflicts around the globe, and despite the growing problem of trauma and its effect on the individual and society and other problems related to migration, the role of the health worker/aid worker seems to be limited mostly to third degree prevention. No serious attempt has been made yet at preventing major social conflicts, or at preventing or reducing migration.

I come from a continent where the severity of social and institutional violence has been escalating through the years. In the past three decades, the number of NGOs that are involved in humanitarian aid to victims of natural and man-made trauma in my country has grown to hundreds if not thousands. However, none of these NGOs has projects aimed at preventing major violence in the future. Once victims are relatively stabilized, aid workers/donors close their projects or continue the aid on a smaller scale. They do nothing to enhance the self-sufficiency of the beneficiaries. But when another round of disaster comes, they again spend millions of dollars on humanitarian aid. The age old saying “prevention is better than cure” seems to be unacceptable to donors regarding trauma in the Third World.

Restrictions towards refugees

It may be impossible to abolish inter-personal/group conflicts, given the inevitability of differences in interest and attitude among people. But is it not possible to moderate the methods of expression of differences or conflicts in such a way that they will not result in severe trauma or torture? The number of unwanted refugees is growing. Likewise, the resources needed to rehabilitate these immigrants are said to be increasing. Lately, much research has been conducted on the mental health of refugees in rich nations. In these countries, services for refugees have become one of the specialities in the field of mental health. The rich nations have introduced strict screening regulations to reduce the number of unwanted immigrants. Asylum seekers are therefore often said to be “lying” in order to gain refugee status. At times, the screening professionals are compelled to lie about their findings because of sympathy. Citizens in recipient countries also sometimes lie in order to help a migrant from a poor country to enter through marriage or visit.

I believe that no one wants to live away from his/her beloved family. Unlike those who seek adventure, under normal circumstances (i.e. with no major threat to their well-being) individuals prefer not to live outside the society they are used to. Moreover, no one would like to live in a foreign society in which they are looked down upon and subjected to emotional or physical abuse, as most refugees living in foreign countries are. Twenty-five years ago, Ethiopian citizens were not required to have a visa to enter most Western countries. Yet, many people were not interested in leaving their homes or remaining in Western countries in spite of a tantalizingly high living standard. In the last 25 years, however, Westerners have gradually been closing their doors to immigrants unless asylum seekers fulfill very strict criteria. Yet, during these 25 years, many Ethiopians have fled their country, sometimes risking their lives while trying to emigrate. It is possible that many lied in order to obtain refugee status. In the absence of mutual agreements or legal settlements, lies are a means (as
is the use of force) of getting what is not yours (the earliest immigrants to the Americas used force).

Need for support
The state of the world prevents poor countries like mine from developing in their own way. The world’s economy is controlled by a handful of countries. For countries like Ethiopia whose “modern” civilization is an imposed condition, there is no way – in my opinion – that it can maintain, let alone advance, its imported civilization without support from industrialized states. But as long as the situation in impoverished corners of the globe worsens, individuals from these areas will continue to flee to better areas for survival.

It is obvious that it would benefit all parties if this unwanted migration were prevented. If the focus only remains on screening and then rehabilitating refugees, the problems will increase even more. What other alternative interventions could be envisaged, other than refusal of entry, in order to prevent or reduce this ‘unwanted’ immigration? Will it be possible to encourage investments in projects that could bring about sustainable growth in poor countries in times of peace, rather than flooding the same countries with emergency aid after some (natural or man-made) disaster has occurred? Will it be possible for global police states to devise mechanisms for recognizing and supporting governments in poor countries based on real public support rather than on words of loyalty by their leaders to the superpower state?

My belief is that the answer to the above questions is “yes”.

Menelik Desta, MD, Director
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Comment to the Letter to the Editor

Dr Desta’s letter is very valuable as it focuses on the need for the prevention of torture and trauma rather than only focusing on rehabilitative services after atrocities have taken place. The problems he mentions (war, group conflicts, increased institutional violence, and migration) are naturally difficult to regulate, and depend on socio-economic, cultural, and macro-political factors.

As an organization working against torture from a health perspective, the IRCT has during the last many years worked on prevention of torture at three different levels: the primary, secondary, and tertiary level.

At the primary level, we aim at society in general by lobbying or advocating with the aim to put political pressure on relevant political decision-makers or international organizations to work for the eradication of torture.

Secondary prevention is aimed at groups that might be involved in torture. Training is essential at this level and includes the training of law-enforcement personnel in many countries, e.g. police officers, prison officers, and the judicial system. Together with other international and local organizations, the IRCT has held numerous training seminars for high-ranking police and judiciary officers from Asia, including China, Africa, Latin America, and the Middle East.

Prevention at the tertiary level is person-related and aims to lessen the effect of torture on the victim and his/her family. Our prevention work is focused on the following principles:

- The cultural and socio-economic reality of each country is the basis for preventive activities. Networking, research, and collaboration between many actors is necessary for the mission of prevention to succeed.
- Networking with organizations of lawyers, journalists, pathologists, teachers, medical associations, and health professionals is essential for raising awareness and for changing issues in governmental policies.
- The IRCT participates in the struggle against impunity for perpetrators by contributing to worldwide campaigns and urgent actions advocating for the punishment of leaders responsible for torture, e.g. Augusto Pinochet, advocating for the establishment of an International Criminal Court, participating in the work of the UN Committee against Torture, etc.

We thank Dr Desta for raising this very important point.

Libby Tata Arce!
Consultant, Prevention Coordinator
IRCT
Sosstradanje – help for old Russian people


It is a real pleasure to find that the Centre Sosstradanje, founded by Marina Berkovskaja and Alexei Korotaev, still exists and is active, as demonstrated by the presentation of the new edition of this relevant book, which treats different aspects of social work.

The active manner in which Sosstradanje works has made it attractive. This was also noticeable at the symposium in Moscow, organized in cooperation with the IRCT in 1994.

O.V. Belokoni declares that 94.5% of experts in Russia agree that old people need help, but in practice such a level is not achieved. It seems that help for old people in Russia is mainly organized by medical workers at hospital level, not by voluntary helpers. The number of voluntary social workers in the USA exceeds 10 million.

Sosstradanje and its workers have five years’ experience in training social workers. They have increased the extent of social work to a remarkable extent, and have worked out directives and checking methods for social workers. Thirty-five standards of ethics have been composed, estimated as necessary to be a “good” social worker. Of course it is not realistic to find many social workers with such properties, but these are not always obligatory. Their opinion is that the Code of Ethics edited by NASW, Silver Spring, 1991, contains elements that are usable only in Western countries, and are not acceptable under Russian conditions. Such a point of view seems to taste of Soviet ideology, in which the borderline between East and West was stressed in all matters. I hope that this approach is temporary.

Most important for a social worker is the ability to gain trust. This is sometimes very difficult, sometimes unachievable (many clients with a Gulag background are paranoid and suffer from PTSD). Second, a social worker must have the will to help old people. Medical and legal knowledge is also important, together with some aggressiveness to fight bureaucratic functionaries, who are very apt to show their power against helpless elderly people.

The chapter about ethics stresses that patience is obligatory for every social worker. The moral virtues of an outstanding social worker are also described. Sosstradanje has tested the motivations of social workers, and found that 64.5% had a non-profit motive to help others, and only 35% were interested in improving their material situation. They have arranged for volunteers, and it is of interest that some of them are foreigners, and some even from the USA. A good idea is to use students of social schools and recently retired pensioners to help old ones. It is clear from the poor level of government assistance and the poor interest of sponsors that there is no alternative to NGO help for elderly people.

The chapter “Human rights and social work” emphasizes section 28 of the Declaration of Human Rights, which states the right of every human being to have satisfaction with respect to material needs, and the right to take part in cultural life. It is understood that social work and the protection of human rights are closely connected.

Referring to home services, their point of view is that feeding old people and medical home services are the problems of the government. But our opinion is that, when necessary, these are also a field of work for volunteers. For instance, volunteers could help old people take their medicine correctly. When a doctor prescribes medicine, he can never be sure that it will be used correctly by the patient. Research in Tartu, Estonia, years ago found that only 25% of patients used medicine as prescribed. It is very encouraging that a special department has been introduced in Moscow to deal with home services for old persons, but we regret that we do not know whether Sosstradanje also has such a department.

In conclusion it can be said that the book is very interesting for a person involved with social problems, and certainly as an introduction to the rehabilitation of Gulag survivors.

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FROM THE MEDICAL LITERATURE

Special issue of JIMA

The Journal of the Indian Medical Association, issued monthly as the official publication of the Indian Medical Association, has devoted the 90-page June issue to torture as a central theme in collaboration with IRCT.

The focus on torture is based on contributions to the VIII International Symposium on Torture as a Challenge to the Health, Legal and Other Professions, 22-25 September 1999, New Delhi, India, as well as on perspectives of the IRCT, the European Commission, the Indian Medical Association, the National Human Rights Commission of India, the Indian Law Institute, research reports, and documentation and background on torture.

It is the intention of the editors in a later issue to follow up on the June issue by publishing articles about torture as substantial and important knowledge for Indian doctors.
New Danish doctor in CAT

Ole Vedel Rasmussen, MD, DMSc, has been elected member of the UN’s Committee against Torture (CAT) after Professor Bent Sorensen, MD, DMSc, who has retired because of age.

Dr Rasmussen is one of the pioneers in the medical work against torture. He was one of the four doctors who, under the auspices of Amnesty International, founded the first medical group against torture in 1974.

He has been on numerous fact-finding missions related to torture, including his thesis: “Medical aspects of Torture”, published in 1990, which gives a detailed account of the in-depth examination of 200 torture victims as well as an extensive review of the existent literature. He has given lectures on the medical work against torture in 38 countries outside of Denmark, and he has organized many seminars in relation to the prevention of torture.

Dr Rasmussen worked as a medical consultant for a new programme “Prevention of Torture” at the Interamerican Institute of Human Rights, San José, Costa Rica for more than three years.

He is now working as a medical consultant at the International Rehabilitation Council for Torture Victims (IRCT). CAT has 10 members who serve in their individual capacity; Dr Rasmussen is the only doctor on the Committee.

Since 1997, he has been one of the 41 members of the Council of Europe’s Committee for the Prevention of Torture (CPT). Professor Sorensen and Dr Rasmussen are the only two people who have served on both Committees.

IRCT NEWS

From our own world

In recognition of the need to strengthen further the international advocacy and fundraising efforts of the IRCT, the Executive Committee recently promoted Dr Geneffe to the position of Honorary Secretary-General. This will enable Dr Geneffe to use her full capacity in advocacy work and fundraising as well as serving in other representative roles of the IRCT. Dr Geneffe is internationally acclaimed for her achievements, spanning 25 years, in the work against torture.

Dr Jens Modvig, who has been associated with IRCT for six years and who has served as IRCT Medical Director since October 1999, has been appointed as the IRCT’s Secretary-General. Dr Modvig is responsible for the daily management of the organization and the strengthening of support and collaboration with some 200 centres and programmes worldwide.

Dr Nathan Davis International Award

Before leaving her position as Secretary-General of the IRCT and taking up the position as Honorary Secretary-General for the organization, Dr Inge Geneffe received the newly established Dr Nathan Davis International Reward from the American Medical Association (AMA). The award is offered to outstanding international physicians “who personify the high standard of medical practice through leadership, excellence, integrity, and ethical behaviour” and for an outstanding Health Initiative. This distinguished prize of USD 100,000 is named after the founder of the AMA, Nathan Davis. Dr Inge Geneffe will share the prize with the Polio Eradication Initiative. The prize was awarded for the first time this year.

From the Editorial Board

At the beginning of year 2000, the composition of the Editorial Board of TORTURE changed as a result of the resignation from the IRCT of Mr Svend Bitch Christensen and Mr Finn Rasmussen.

The new members of the Editorial Board are Sven-Erik Baum, Head of Documentation, and Suzanne Munro Clark, Director of Information. The Editorial Board would like to thank the former members for inspirational and fruitful cooperation. Svend Bitch Christensen has been a key figure in the founding of TORTURE, as it was very much due to his initiative that the predecessor to TORTURE, called Newsletter, achieved a certain standard and regularity in publication that made the enlargement realistic.
This issue contains
an Executive Summary
of the IRCT Annual Report 1999

The IRCT is a private non-profit foundation, that was created in 1985 by The Rehabilitation and Research Centre for Torture Victims (RCT), Copenhagen.

The objectives of the foundation is on an international basis to promote the provision of specialized treatment and rehabilitation services for victims of torture and to contribute to the prevention of torture globally.

To further these goals the IRCT seeks on an international basis

- to develop and maintain an advocacy programme that accumulates, processes, and disseminates information about torture as well as the consequences and the rehabilitation of torture
- to operate a documentation centre about torture and related topics
- to establish international funding for rehabilitation services and programmes for the prevention of torture
- to promote education and training of relevant professions in the medical as well as social, legal, and ethical aspects of torture
- to encourage the establishment and maintenance of rehabilitation services
- to establish and expand institutional relations in the international effort to abolish the practice of torture, and
- to support all other activities that may contribute to the prevention of torture.