

# **CONFRONTING A SCANDAL**

**A SYMPOSIUM ON TORTURE**

**Edited by John Howells for the  
Mornington Peninsula Human Rights Group**

*supported by the Mornington Peninsula Shire*



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# Foreword

**by the Right Honourable Malcolm Fraser, AC, CH**

Many congratulations to the Mornington Peninsula Human Rights Group for the work they have achieved in this booklet 'Confronting a Scandal'.

The re-acceptance of torture by modern democracies is something which challenges us all. This is no longer a matter for debate. The Torture Papers, published by the New York University, documents the paper trail created by the United States administration under President Bush. Practices at Guantánamo Bay created a new culture of intrusive questioning, which in many cases was torture.

Australia's shame is that it is prepared to allow Australian citizens to be subjected to these processes without protest, without any attempt to apply the Rule of Law as we would understand it in Australia.

And so in our name the government has abandoned fairness and compassion. It has implicitly accepted torture. It is fundamental abandonment of the Rule of Law.

The trial process of David Hicks would have done justice to any dictatorial tyrant. The plea bargain had been signed two weeks earlier, before the process began. A person claiming to be liberal cannot hide their head in the sand and pretend these things do not matter, nor can we have confidence in the American or the Australian justice system. When Hicks entered a plea bargain, which one of us would not have done the same after such an ordeal? Anything to escape from a threatened life imprisonment in Guantánamo Bay. We still do not know whether he is guilty or innocent.

Questions should be put to all political candidates: are they prepared to condemn the false process established to convict David Hicks? Are they prepared to do it, so people know where they stand? If they will not do so, they are not liberal in attitude or principle.

*5 June 2007*

# **Mornington Peninsula Human Rights Group**

We are a small group of citizens living on the Mornington Peninsula who are committed to promoting in our municipality and beyond understanding of and respect for human rights through programs of community education.

Membership of our group is open and informal and we welcome the participation of people of good will who share our commitment to human rights. Some have an on-going commitment to our work, others limit their involvement to supporting a particular short-term project. We maintain a data base of people who wish to be kept informed about our activities.

While we value the help of people with professional knowledge and skills, we are not a professional group offering legal advice, counselling services, or assistance in advocacy. All our workers are volunteers.

We are very grateful for the support we have received and continue to receive from the Mornington Peninsula Shire Council and its officers.

For further information contact the Convener on:

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# **PLANNING THE SYMPOSIUM**



# Introduction

by John Howells

Eight bodies dressed in Guantánamo orange jump-suits being whirled and flung around inside a steel cage! This is my lasting impression of *Honour Bound*, a multimedia stage show which I saw in September 2006. These restless, contorted figures together with a host of images projected onto the walls of the stage, a pulsing musical score, and the voices of famous and not-so-famous people, all shocked me into facing the harsh reality of torture in the world today.

These unforgettable sounds and images disturbed my sleep that night, and in the early morning I resolved to put a proposal to the Mornington Peninsula Human Rights Group of which I am a member.

My proposal was simple enough: that we hold a symposium for thirty Peninsula citizens, to be addressed by five local people who would be asked to imaginatively engage with the fact of torture. From the ensuing conversation we would produce an agreed statement to be distributed widely to help influence public opinion.

The Group accepted my proposal and resolved to make it its first project for 2007. A planning group of three was established: David Ball, Elspeth Fleming and myself. We recruited five local speakers and gave them distinct areas to investigate, we invited ethicist and author, Alan Nichols, to be our keynote speaker; and we issued invitations to Peninsula residents to participate in the symposium. We invited not only people who had shown interest in our earlier programs, but also people from a diverse range of backgrounds, from VCE students to members of Peninsula churches, from local women's groups to our friends in Civil Rights Defence. The invitation was accompanied by an Information Paper which set out the rationale, format and hoped-for outcomes of the symposium. See pages 5-9.

Forty people accepted the invitation and thirty-eight participated in the symposium. From the general discussion, an agreed statement called

'Five Propositions concerning Torture' was eventually achieved. It is printed as the climax and conclusion of the booklet. See pages 54-56.

This booklet contains the papers presented by five local citizens, and the keynote address by special guest, Canon Alan Nichols, AM. It also includes two additional papers, the ideas for which emerged during the general discussion. The first is an historical sketch of the use of torture by some liberal democracies during the last half-century. The second is a table of euphemisms to highlight the way language is manipulated by leaders and media to make that which is unacceptable appear acceptable.

There is an enormous literature on torture, much of it written recently as researchers have probed the role of torture in the 'war on terror'. The objective of the authors of the papers that comprise this booklet was not to undertake further research. Rather, it was to make available to a general audience some of the information contained in the literature, together with their personal responses to it. The principal sources for the factual information provided in the papers are the books listed in the bibliography on page 61.

On behalf of the Mornington Peninsula Human Rights Group, I thank all who helped achieve the original symposium on 5 May 2007, and all who have contributed to the publication of the symposium papers. We sincerely thank our panel of five speakers and our distinguished guest speaker. We thank the Mornington Peninsula Shire for its support and hospitality, its wonderful Community Development Worker, Gail Price, and the mayor, Councillor Tim Rodgers, who opened the symposium. We thank Edwin Roberts for managing all our audio-visual work, and Maggie Mackie for editorial assistance. We particularly thank Malcolm Fraser, former Prime Minister of Australia, for his Foreword.

And finally we thank all who participated in the symposium and who helped shape its outcomes of which this booklet is a signal expression. May it contribute to the development of a climate of opinion in Australia that utterly rejects the use of torture.

# The Information Paper

*(sent with invitations to the symposium)*

## Why Discuss Torture?

Until recently there was no public debate about torture. Article 5 of the *Universal Declaration of Human Rights* (1948) states that 'No one shall be subjected to torture or to cruel, inhumane or degrading treatment or punishment', and all international covenants and national legislation dealing with human rights since have included these or similar words. That torture should be deplored was held to be self-evident. There was no debate.

However, since the 'war on terror' there have been, not only a number of widely reported incidents of torture involving American and other troops, notably at Abu Ghraib, but also controversial attempts by the Bush Administration to so narrow the definition of torture that acts, such as sleep deprivation and prolonged solitary confinement, are no longer held to be torture but legitimate forms of 'coercive interrogation'.

Nearer to home, Professor Mirko Bagaric, head of Deakin University Law School, in an article co-authored with Julie Clarke (a summary appeared in *The Age*, 17 May 2005) has advocated the legal use of torture under certain conditions. He argues that when someone has information about the imminent destruction of large numbers of people but will not tell, he or she should be tortured until they do. He claims that this will produce 'the greatest good for the greatest number of people'.

In the wake of video evidence of three Victorian policemen beating and kicking suspects, a Morgan/Age Poll (21 September 2006) showed 48% of Victorian respondents approving police using force when interrogating suspected criminals, and 45% disapproving with 7% unable to say. This suggests that a significant proportion of Australians have some tolerance of the use of torture.

It seems likely that in the present climate of fear there will be increasing efforts to sanction the use of torture against suspected terrorists and criminals. Here is a matter of principle on which people who have a concern for human rights need to take a stand. The aim of this project is

to provide information about and stimulate discussion on the evil of torture.

### **What Is Torture?**

The United Nations *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984) gives this definition:

The term 'torture' means 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.

The Convention adds:

No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture.

There are many definitions of torture. The 1992 US army field manual defines torture as:

the infliction of intense pain to body or mind to extract a confession or information, or for sadistic pleasure.

The key features of all definitions are that torture is severe physical or mental pain deliberately inflicted by a public authority on a person for a specific purpose. In international law the ban on torture is absolute. There are no exceptions.

### **The Format of the Symposium**

The purpose of the symposium is to focus attention on the issue of torture and to stimulate discussion of its morality and place in a democratic society.

RECOGNISING that our Group is a small grassroots organization, the aim of the project is not to produce professional academic contributions on the subject, but to allow local people from various walks of life to

explore their personal responses to the fact of torture. To get the members of the symposium thinking, a panel of five local people will each present a short paper. The five people and their topics are:

Elsbeth Fleming.....MEDICAL EFFECTS OF TORTURE  
A doctor looks at the short-term and long-term effects of the various forms of torture on those tortured and on those who authorise, inflict or oversee torture.

Pat Spencer .....TORTURE IN LITERATURE  
An autobiography and several biographies of those who have been tortured give an insight into what happens to the soul of a person who is tortured.

Colin Thornby .....TORTURE OR COERCION  
The Bush Administration claims to uphold the ban on torture, but allows suspected terrorists to be treated brutally. Has the West lost the moral high ground?

Hans Christiansen .....THE MORALITY OF TORTURE  
Why has torture been proscribed in international law? How do we balance the sometimes competing demands of national security and human rights?

David Ball .....MY PERSONAL JOURNEY  
This is one man's story of how he moved from scepticism about human rights to a deep conviction that torture is always wrong.

RECOGNISING, also, that our Human Rights Group has been greatly helped by those with expert knowledge and skills, we have invited a professional ethicist with experience of torture during the Rwanda genocide to be our guest speaker and a resource able to provide factual information and technical advice during the symposium. He has provided the following biographical note:

Alan Nichols, AM is an ethicist and author, specialising in refugee issues. He has been to Rwanda six times, starting with the 1994 genocide, and has followed both the internal war crimes trials and the International Court on the Rwanda genocide. He is a Canon of

Saint John's Cathedral, Gahini in Rwanda. He is also Honorary Senior Fellow at the Centre for Applied Philosophy and Public Ethics, University of Melbourne.

The title of Alan's keynote address is:

**TORTURE: A necessary evil?  
Never necessary, always evil.**

### **Symposium Program**

The symposium will be held at the Mornington Peninsula Shire Offices, Besgrove Street, Rosebud (Mel Ref 170 B4) on Saturday 5 May 2007 from 10.00am till 3.30pm. Numbers attending the symposium will be limited to 40 participants.

- 10.00 Welcome and Introduction
- 10.20 Presentation by **Elsbeth Fleming**
- 10.40 Presentation by **Pat Spencer**
- 11.00 *Tea and Coffee Break*
- 11.20 Presentation by **Colin Thornby**
- 11.40 Presentation by **Hans Christiansen**
- 12.00 Presentation by **David Ball**
- 12.20 *Lunch*
- 1.00 **Small Groups:** 'What questions have the five presentations raised for you?' Questions will be displayed on large sheets of paper.
- 1.30 Keynote Address by **Alan Nichols**
- 2.15 Alan Nichols responds to the five presentations and to the questions of the small groups.
- 2.25 **General Discussion**
- 3.25 Summing-up
- 3.30 Close



We are very grateful to the Mornington Peninsula Shire and its officers for their hospitality in providing us with a venue together with morning tea and lunch.

### **Follow-Up**

Our intention is that the insights of the symposium will find expression in a public statement on torture that can be widely distributed to stimulate thought, discussion and commitment. If you would like to participate in the process of developing the statement, fill in the form titled 'Draft Public Statement on Torture' which will be available at the registration desk during the symposium, giving your name and email address. A draft of the statement will then be sent you for your comments and suggestions.

21 March 2007



# **PRESENTATIONS AT THE SYMPOSIUM**



# 1. Medical Effects of Torture

by Elspeth Fleming

At the final meeting of the Mornington Peninsula Human Rights Group last year I was asked if I would be interested in participating in a sub-group to discuss torture. I accepted because, as a retired doctor (general practice), I felt that I might have something to contribute, and I had been deeply disturbed by reports in the media of instances of human torture and abuse of various kinds since the start of the so-called 'war on terror'.

At our first planning meeting this year, John, David and I looked at various definitions of torture. A useful and succinct one is

the infliction of severe physical or mental pain, ordered and deliberately imposed on an individual by a public authority for a specific purpose - generally to produce a confession or information or as punishment.

As we know, torture has been around for thousands of years. The purpose of this short presentation is to sum up the short-term and long-term effects of various physical and mental types of torture, although, obviously, I cannot cover everything.

First of all, **Physical Torture**, and there are many examples of this:

(1) Originally, torture was carried out by *burning and branding* producing excruciating pain which could cause death from surgical shock, that is, a dangerous fall in blood pressure leading to collapse of the circulation. Burn wounds easily become infected and there may be further shock, fluid loss, spreading local infection, septicaemia and death. If healing occurs, it can be very unsightly and can cause severe constrictive scarring.

(2) Another example was *eye gouging*. It results in unbelievable agony and, of course, permanent blindness, also terrible scarring and disfigurement.

(3) *Thumb screws and the rack* were used in medieval times and they caused agonising compression of hand joints or stretching, resulting in

dislocation and destruction of almost all joints and extremely severe disabilities. If survival occurred at all there was complete crippling.

(4) An example of physical torture that was common in Australia's early history was *flogging* with a cat-o'-nine-tails - leather thongs with sharp metal pieces inserted. The result was extreme pain, skin destruction, shock, infection of skin lesions, and painful scarring if healing did occur.

(5) *Beating-up and kicking* are still used and they can cause a ruptured spleen, liver or kidneys resulting in severe internal haemorrhaging or multiple fractures. If ribs are involved there may be perforation and collapse of the lungs. Head injuries may cause brain damage.

(6) The use of *electrodes* producing severe electric shock is the final example I want to refer to. The electrodes are applied to genitalia, in the rectum or elsewhere and result in excruciating pain, electric burns, severe surgical shock, or sudden death from cardiac arrest.

All forms of physical torture can lead to emotional and psychiatric problems which can be ongoing, for example, post traumatic stress disorder and panic attacks. A victim may be left not only a physical but also an emotional wreck.

Secondly, **Mental Torture** which is different from physical torture but no less harmful.

Forms of it are: *solitary confinement, sleep deprivation, and brain-washing*. Solitary confinement will be in a wretchedly cramped cell with very basic facilities and likely to be either extremely cold and damp or else unbearably hot and stuffy, often brightly lit during the whole 24 hours or alternatively almost pitch black. Strobe lights may be flashed into the victim's eyes. Added to this, frequent loud noises makes sleep impossible though the mind craves it desperately. The strobe lights are designed to cause alteration in brain waves and to lead to confusion and possible convulsions.

*Brain-washing* consists of unremitting questioning around the clock in a large venue by teams of interrogators interspersed with threats, lies and half-truths, and perhaps the administration of mind-bending drugs. Under such treatment the victim's thoughts become increasingly confused and he or she may admit to anything just to get some relief. Hallucinations, either visual or auditory, may occur, profound depression may develop, or even actual psychotic states. If released he or she is likely to be left as

a mental cripple, either completely withdrawn and depressed or actually out of touch with reality, and unable ever again to function in society, to lead a normal family life or to earn a living.

Finally, there is **Public Humiliation**.

In any of the aforementioned examples, the victim may also be humiliated by being told to strip and to perform unnatural acts which are designed to 'strip' away all vestiges of self-respect and to produce a lasting sense of degradation and shame.

I can only repeat that any of these examples can have lasting effects on an individual from which he or she may never recover.

And what of the **torturers**, the people inflicting it? A psychopath is a person without a conscience, or superego if you prefer, and there have always been some of them around. If an individual lacks that part of their psychic make-up, it cannot be taught. If someone is willing, is indeed happy, to administer torture, even if there are some qualms at first, the longer this path is followed, the more debased and dehumanised the torturer becomes. The work is enjoyed and the torturer cannot be rehabilitated. However not all torturers are psychopaths. In 1963 a psychological study known as the *Milgram Experiment* showed that ordinary people can be led to inflict severe pain on others simply because they have been ordered to by someone in authority, and to justify it to themselves by saying 'They were only obeying orders'. They can gradually become emotionally deadened to what they are doing.

And what of the **administrative bosses**, the faceless people ordering the torture? They can usually find a way to justify it, and will say that it is not torture but justifiable coercion, and necessary. Sometimes they may be present as part of the team of interrogators. If they feel squeamish at first, the longer they continue along this path the easier it becomes. If a doctor is present, he or she is there to keep the victim alive for further interrogation; and, of course, they would also become brutalised in time.

To conclude, I would like to say that those of us who are old enough will never forget the horror that we felt when what had been going on in Nazi concentration camps during World War II became public knowledge. We

thought that it could not, would not, ever happen again. However, it is only since the fateful 11 September 2001 that most of us have become aware that such practices as I have outlined still happen in our world today. Since the so-called 'war on terror', many of us have been forced to think about such matters. Are these practices ever justifiable? Have they ever been? Many of us associate such barbaric practices with former times when life was very cheap and people could be put to death or punished severely for relatively minor offences. As we all are well aware, or should be, two wrongs do not make a right and the end certainly does not always justify the means.

Even though the Mornington Peninsula Human Rights Group is a small group, we achieved great things last year. Perhaps, if we can gather together a growing group of ordinary citizens in our area we may gradually get a groundswell of more people asking questions about the way society seems to be heading. The fact that a depressingly large percentage of the Australian population seems to think that torture can be justified is disturbing. I for one do not believe that it is ever justifiable.



## 2. Torture in Literature

by Pat Spencer

It is a matter of some shame that we are here today discussing torture not as something of historical interest but as a matter of topical concern. Amnesty International reports that 130 countries every year practice torture or cruel, inhuman or degrading treatment.

It was long thought that only 'bad' people committed torture and that 'good' people did not carry out this inhuman behaviour. However, research over the past 50 years suggests a disquieting alternative view: that under the right circumstances and with the appropriate encouragement and setting, most people can be encouraged to actively torture.

The Fox TV series, *24*, has been a runaway success since its inception in 2001. It is about a US Counter-Terrorist Unit doing battle with terrorists intent on blowing up large portions of America. Before the September 11 attacks there were fewer than four acts of torture depicted on prime-time US TV screens annually. Now, with the help of *24*, it's more than 100. Keifer Sutherland, who plays the lead role in this series, has told interviewers he is becoming sick of acting out torture scenes. In *The Age Green Guide* (12 April 2007) Reuter's correspondent Steve Gorman reported that such entertainment has inspired real-life US soldiers in Iraq to carry out what they see on television when interrogating prisoners. Would it be too much of a leap of the imagination that viewers are also becoming immune to these acts of torture, their attention-grabbing horror becoming just another method of making sure the bad guys don't win?

How do we stop being overwhelmed by these horrors and therefore unable to comprehend what is actually happening to people? One way is to personalise the stories, to recognise that these things happen to a real person and not to a statistic.

**Sheila Cassidy**

Dr Sheila Cassidy left England to work in Chile in 1971 at the age of 34. In her book, *Audacity to Believe*, Sheila describes the shock of President

Allende's violent overthrow by the armed forces, and the despair and fear as General Pinochet's regime introduced curfews, imprisoned people without trial, tortured them and made them 'disappear'.

In October 1975 Sheila is asked by a Chilean priest friend to treat a man with a bullet wound; he was a leading resistance fighter. She says: 'without hesitating I said "yes", knowing quite well that this might mean the end of my work in Chile ... it was not my place to judge this man but to treat him'.

Sheila tells in graphic detail the story of her arrest by the security police and her subsequent torture. The *parrilla* is a method of torture which was used in a number of South American countries during the 1970s and 80s. The victim is strapped naked to a metal frame with legs and arms spread, and electric shocks are administered. Sheila underwent several sessions of torture. In the first she was given generalised electric shocks which she was able to endure long enough to construct a false story sufficient for the torture to be stopped.

As a result of her misleading information, Sheila was tortured again on the *parrilla*. She says that, with one electrode pushed into her vagina and the second moving around the most sensitive parts of her body, the torture was much more intense and severe. The torturer applying the moving electrode increased the voltage, giving Sheila no time to think, terrifying and paralysing her. They continued to work on her until they had broken her completely.

In December 1975, Sheila Cassidy was expelled from Chile. She has since written extensively on suffering and torture, warning of the danger in trying to wrest a spiritual meaning from suffering, of glorifying it, and thereby denying its awfulness. She says, 'I myself did this for a number of years by trying to over-spiritualize my experience of torture. So convinced was I of my encounter with God in prison that I denied to myself and everyone else what a devastating experience it had been.' Years later, in coping with the psychological aftermath of the experience, she was able to acknowledge how wounded she had been. She writes: 'The scars of the prison experience have meant that I am no stranger to exhaustion, anxiety and depression. But the dark days are vastly outnumbered by the light, by a life of good work, good friends, creativity

and much laughter.' Sheila Cassidy now specialises in the care of the terminally ill.

### **Miriam**

In her book, *Stasiland*, Anna Funder describes her encounters with the hidden histories of people seven years after the fall of the Berlin Wall. The lives of people were shaped by the Stasi, the secret police of the former East Germany. Anna meets both the victims and perpetrators. Her first encounter is with Miriam, who at the age of just sixteen, became an 'Enemy of the State' for putting up posters. Miriam was placed in solitary confinement for a month. When let out to await trial, Miriam decided she wasn't going back into prison so she attempted to go over the Wall – and she very nearly did, all on her own, but within just four metres of freedom she encountered a trip wire. Miriam was back in solitary and her interrogation took place every night for ten nights for six hours. She was not permitted to sleep during the day. Sleep deprivation can mimic starvation, it can cause neurological dysfunctions. Miriam was given one and a half years in prison, during which time she was addressed by number and never by name. The prisoners were brutal to each other, and when released in 1970 at the age of seventeen and a half, Miriam says she was basically no longer human.

She later met and married Charlie, but in August 1980 Charlie was arrested. Miriam was never to see him again as he died in suspicious circumstances while in police custody two months later.

Just recently I had the opportunity to ask Anna Funder, the author of *Stasiland*, what had become of Miriam. Her reply was that Miriam still suffers from the effects of her torture and imprisonment, with the added burden of wanting to know what happened to her husband, Charlie. Her soul is terribly scarred from her experiences. She works at a public radio station, lives alone, and has become defeated in her hope of having Charlie's body exhumed to know what really happened to him.

And what of the perpetrators of these terrible acts? Anna Funder interviewed many ex-Stasi and she related to me that they are thoroughly unrepentant about their former work, and even bitter about the change in their fortunes.

## **My Father**

My father, after being a German prisoner of war for eighteen months in Sagen, Poland, was forced-marched from that camp along with 10,000 other men, when the Russian Front was advancing in January 1945. At that time there were more than a quarter of a million servicemen on death marches across Germany. Why were they not left in the camps to be liberated by the Russians? In the book, *The Last Escape*, I read these words:

The intention behind the marches rapidly became, not to protect prisoners from danger, but to use them as human shields or hostages at the end of the war. The plain fact is that their lives were deliberately and unnecessarily put at risk, and those who died on the marches were victims of cruel and inhuman treatment. The conditions were horrific and many died in the freezing conditions of Germany's worst winter for fifty years.

In my Dad's autobiography he says:

There were thousands on that march across Germany. The starvation diet and winter conditions took its toll on scores of men that I saw falling by the wayside, just giving up and wanting to end it all. We could only walk about fifteen kilometres a day in deep snow. To prevent yourself from giving up you had to have some HOPE. My hope was always the thought that every step I took was a step nearer England. After six terrible weeks, minus hundreds of men who never made it, we arrived at an abandoned sugar factory just outside Hamburg. It was May 1945 when I finally landed in England. I was six stone in weight and suffering from severe malnutrition. I saw my daughter for the first time, she was eighteen months old.

Apart from writing these few lines in his autobiography, my Dad has never talked about his war-time experiences. He wanted to try and forget what he had been through and not to relive the horrors. But the scars have remained throughout his life.

The effects of torture endure long after the torture itself has ended. In this sense torture is often described by survivors as 'never ending'. As a place of refuge from countries in which torture has taken place, Australia represents an opportunity for survivors to heal and recover from past, traumatic experiences. We Australians are among the lucky

ones. For me, being Australian means rejecting torture anywhere, anytime.

### 3. Torture or Coercion

by Colin Thornby

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

- Article 17, *Third Geneva Convention*

Torture is the action or practice of inflicting severe pain on someone as a punishment or to force them to do or say something, or for the pleasure of the person inflicting the pain. To coerce is to persuade an unwilling person to do something by using force or threats. Synonyms for coercion include force, compulsion, constraint, duress, oppression, enforcement, harassment, intimidation, threats, arm-twisting and pressure.

International and US law prohibits torture and other ill-treatment of any person in custody in all circumstances. The prohibition applies to the United States during times of peace, armed conflict or a state of emergency. Any person, whether a US national or a non-citizen, is protected. It is irrelevant whether the detainee is determined to be a prisoner of war, a protected person, or a so-called 'security detainee' or 'unlawful combatant'. And the prohibition is in effect within the territory of the United States or any place anywhere US authorities have control over a person. In short, the prohibition against torture and ill-treatment is absolute.

Each day brings more information about the appalling abuses inflicted upon men and women held by the United States in Iraq, Afghanistan and elsewhere around the world. US forces have used interrogation techniques including hooding, stripping detainees naked, subjecting them to extremes of heat, cold, noise and light, and depriving them of sleep—in violation of the *Geneva Conventions* and the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*. This apparently routine infliction of pain, discomfort, and humiliation has expanded in all too many cases into vicious beatings,

sexual degradation, sodomy, near drowning, and near asphyxiation. Detainees have died under questionable circumstances while incarcerated.

As George Orwell pointed out most effectively, governments control language as well as people. Since the Abu Ghraib prison scandal broke, the US government (and our own), from the highest officials in Washington to Army prison guards in Baghdad, have used every euphemism they can think of to avoid the word that clearly characterizes what some soldiers and civilian contractors have been doing: torture.

'What has been charged so far is abuse, which I believe technically is different from torture', said former Secretary of Defense Donald Rumsfeld. 'I'm not going to address the "torture" word.' And nobody else seems to want to address it either. Rather, we are told, military police officers at Abu Ghraib were encouraged to treat the prisoners so as to create 'favourable conditions' for interrogations. What does this mean? Give the prisoners English lessons? New clothes? Come on. In any bureaucracy, orders or clearance to do something beyond the law always comes in code. For those in senior positions, deniability is vital.

The legitimisation of the use of torture, couched in the more palatable language of 'coercion' begins with a definition of those to be subjected to such treatment. Shortly after the opening of Camp X-Ray at Guantánamo Bay, Rumsfeld described the detainees as 'hardened criminals willing to kill ... for their cause'.

The US government's declared global 'war on terror' has provided it with a rhetorical framework to argue that 'special needs create special circumstances'. George W Bush has been quoted as saying to his advisors, following the September 11 attacks, 'I don't care what the international lawyers say, we are going to kick some ass'. And the history of his Administration's actions since then demonstrate that resolve, and the consequences flowing from it, dressed in the language of the possible. In these special circumstances it is asserted that those accused of terrorism, or, as in the case of David Hicks, supporting terrorism, may be defined as 'enemy combatants'. A relatively unused provision in international law allows for the categorisation of persons involved in 'international armed conflict' as enemy combatants, a group

of people not explicitly protected by the *Geneva Conventions*, as quoted previously. The US federal Administration categorised a large number of those detained at Guantánamo Bay as ‘enemy combatants’ to justify treatment – euphemistically called ‘management techniques’ – beyond, and in contravention of, the *Geneva Conventions*, international and domestic US law. An American organisation, Human Rights Watch, expressed concern regarding this development, describing it as a dangerous loop-hole, threatening the basic guarantees of justice and fairness.

The time following the devastating September 11 attacks saw the development by the US Administration of three legal doctrines to legitimise the President’s otherwise unlawful sanctioning of torture as policy. The first was to argue that in a time of war the President, as commander-in-chief, could override the treaties and laws otherwise binding the US. The second innovation was a redefinition of torture and the action of torturers. It was argued that if the intention of the torturer was to extract necessary information, then the torturer was not culpable, and further that if the torture did not extend to the point of causing organ failure (that is, death), then it was not torture per se, but rather coercion or the aforementioned creation of favourable conditions for the recovery of information. The final legal ‘discovery’ was the argument that the US naval base at Guantánamo Bay was not on US territory, and therefore beyond the jurisdiction of US courts.

Parallel to the development of legal doctrine was the creation of an apparatus to facilitate torture (now labelled as coercion). The CIA was given powers, by executive order, to allow for the creation of a system of facilities outside the US, and therefore beyond US law, for the detention and ‘extraordinary rendition’, or ‘extreme interrogation’ of enemy combatants. In some cases this consisted of making arrangements for the temporary transfer of detainees to nation-states notorious for the use of torture in interrogation. One of the facilities created by the CIA is known as Camp Echo – the facility in which David Hicks was housed at Guantánamo Bay. Concurrent with these developments were alterations made to armed forces operating procedures to allow for inhumane interrogation techniques. These included the approval by Donald Rumsfeld of sixteen interrogation techniques that used methods not



compliant with the *Geneva Conventions*, and were beyond the existing Army standard interrogation manual.

The effect of this legal and administrative change of status, a change effectively based on arguments about language and the meaning of words, has been to create the conditions for an extraordinary horror.

It is, in many ways, language and the use of language that has made these abuses possible. A great deal of modern philosophical thinking and examination has considered the power of words, and the uses to which they are put. Words are used as elements in language, to create discourse, or a way of understanding and discussing a concept. Words are redefined continually, formally and informally, in response to changes in linguistic patterns. However, some forms of redefinition occur simply to allow meaning to be changed to suit the redefiner. Redefinition of status of a person involved in conflict, for example, allows a change in treatment to a redefined method of 'interrogation'. Most US and Australian citizens would baulk, rightly, at the use of torture for any purpose. But when the word 'torture' is banned, or used only by groups defined by governments as 'extreme' or 'irrelevant' (such as Amnesty International or the International Red Cross) discourse becomes limited, and atrocities tolerated.

Torture is torture. It permanently scars the victim even when there are no visible marks on the body, and it leaves other scars on the lives of those who perform it and on the life of the nation that allowed and encouraged it. Those scars will be with us for a long time.

## 4. The Morality of Torture

by Hans Christiansen

Ten years ago no-one in the western world, besides the Israeli state, would have dreamt of publicly defending torture. However, since 9/11 and the so-called 'war on terror' the Bush Administration has argued that when a state faces terrorist threats to its civilian population, moral absolutes such as a total ban on the use of torture are not applicable to all situations. Following Israel's policy on torture during the 1990s, the Bush Administration argued that it should be permissible for a state to torture terror suspects, as the information gathered potentially could save hundreds of lives. Recently some prominent scholars in the US and in Australia have also morally justified the use of non-lethal torture. They argue that torture should be permissible where the evidence suggests that this could be the only means to save the lives of innocent people.

The argument for legalising non-lethal torture is often based on what has been called the 'ticking bomb' scenario: what if someone from a terror cell was captured and had knowledge of the whereabouts of a nuclear bomb programmed to explode in a busy train station in peak hour the next day? Wouldn't it be justifiable and morally sound to torture that person so as to extract information, which could then save thousands of people? In fact, as some argue, wouldn't it be verging on moral indecency not to torture that person? Wouldn't not torturing the suspect be preferring the comfort of the terrorist over the lives of innocent men, women and children? These arguments for light forms of torture are the arguments of Australian Professor of Law and Head of Deakin Law School, Mirko Bagaric, and US Harvard academic and lawyer Alan Dershowitz.

How sound and realistic are Dershowitz' and Bagaric's arguments for legalising torture? First of all the 'ticking bomb' scenario is most unlikely to occur in reality. The idea of the 'ticking bomb' works well on television, as in the popular American series *24*. Yet in reality the scenario depends on a chain of very unlikely circumstances. However, even if a 'ticking bomb' event did occur, it would be almost impossible to know for certain whether the captured person knew the whereabouts of

the bomb, when it was set to explode and how to prevent the explosion. If the person didn't know these details, the information gathered under torture would be useless and an innocent person would have been tortured.

Even if we knew for certain, which is most unlikely, that the person knew about the bomb, the information gathered under torture would be highly dubious. As the US expert on torture victims, Douglas Johnson, puts it: 'Nearly every client at the Centre for Victims of Torture, when subjected to torture, confessed to a crime they did not commit, gave up extraneous information, or supplied names of innocent friends and colleagues to their torturers'. The new US army field manual, *Human Intelligence Collector Operations* (2006), states: 'Torture ... is a poor technique that yields unreliable results ... and can induce the source to say what he thinks the collector wants to hear'.

Statements from people who have been tortured and from the US army itself, suggest that torture is a highly unreliable way to extract information, since the tortured person will say anything to escape the torture. In other words, the information gathered under torture would very likely be untrue and misleading, and would therefore not necessarily lead to civilian lives being saved.

Another question we need to ask ourselves as we debate the morality of torture is how much can we torture? Is it allowed to pull out finger nails and if so how many? How long can we keep the victim's head under water? Who would we get to perform the torture? These are questions which would have to be discussed seriously! Can we really bring ourselves to do such brutal acts? Another question is how can we regulate the torture? Dershowitz admits that allowing torture could put us on a slippery slope, for it would be very difficult not to exceed a certain amount of torture. We would potentially end up torturing innocent people or we would torture guilty ones so severely that they would be deeply wounded for life.

Another and, I believe, more convincing argument against the use of any kind of torture arises from the belief that every single human being has an inherent dignity, worth and value, which must never be violated under any circumstances. This is a moral absolute enshrined in a number of

international treaties of which the three major ones are the *Universal Declaration of Human Rights*, the *Geneva Conventions* and the *Convention Against Torture* signed by many nations. It is well worth remembering that the *Universal Declaration of Human Rights* and the *Geneva Conventions* were written in the aftermath of the Second World War during which people had experienced unprecedented violence and abuse. Burdened with this experience, leaders gathered to formulate some moral absolutes and human rights which could help prevent humanity from destroying itself. One of the rights agreed upon was the right of every human being to be treated with respect and dignity and therefore it would never in any circumstances be justifiable to use torture.

In their arguments for legalisation of torture, Bagaric and Dershowitz argue that no right is absolute, not even basic human rights. Bagaric claims that: 'no right or interest is absolute ... rights must always yield to consequences which are the ultimate criteria upon which the soundness of a decision is gauged'. Both Bagaric and Dershowitz argue that the end justifies the means and that committing a small evil, such as torture, to prevent a larger evil is morally justifiable.

Yet we have seen how torture is a highly unreliable way to gather intelligence and thus a dubious method of interrogation. The discussion about torture lies with the question of whether we adhere to any moral absolutes, such as the absolute that every human being must be treated with dignity and must therefore never be tortured? Or whether we are prepared to have the end justify the means?

Australian philosopher Raimond Gaita argues that there are two good reasons for condemning torture as an offence against human dignity: one is that torture can never be committed while according victims unconditional respect, and secondly, torture is always a violation of a person's dignity. Torture is, as Ramond Gaita says, always 'an offence against human dignity ... it turns human beings into things'. And as the Anglican Archbishop of Canterbury, Rowan Williams, says, 'torture is an inadmissible invasion of the dignity of the human being'. Torture is a severe abuse of power with the potential to destroy the person being tortured.

Victims of torture speak of an invasion into the deepest core of their being. For example, people who have been tortured on their feet, as is very common in Honduras, say that every step they take for the rest of their lives reminds them of the torture which violated and destroyed their dignity and self-worth. They speak of their enduring sense of fear, and a sense that something of their dignity and self-respect has been stolen from them.

Taking this into account, I am in no doubt that we, as a civilised society, must never torture. Perhaps the 'ticking bomb' scenario will one day actually occur, and we will be faced with the moral dilemma of whether to pull out fingernails, almost drown or worse in order to perhaps extract information from the victim; or whether we should stick to our moral absolutes that say we can never morally justify the invasion of the other.

I argue that it is always, no matter what, morally unjust to torture. No circumstance, even the possibility of an atomic bomb or the release of a kidnapped child, can justify inhuman torture of another human being. Perhaps torture in some rare cases can save civilian lives yet we must never torture, for if we do we are on the slippery slope which eventually could lead us to become the enemy we fight.

Let us hope that ordinary citizens, academics, judges, and lawyers and governments will stand up and defend the hard-won principles enshrined in the *Universal Declaration of Human Rights*, the *Geneva Conventions* and the *Convention Against Torture*, and ardently refuse to legalise any form of torture.

## 5. My Personal Journey

by David Ball

### The Beginnings

At the end of 2005, once my wife and I were fully retired and living permanently on the Peninsula, I accepted appointment as a member of Vestry for our Anglican Parish of Sorrento and Rye. During the first meeting I attended, I offered to approach Councillor Tim Rodgers, who had just been elected as the member for our ward, and to raise with him some traffic issues. Subsequent to the Vestry meeting, Helen Howells (then Secretary to the Vestry) asked me could I also approach Councillor Rodgers to seek his view on human rights. In explaining the significance of this request, Helen told me how she had come to instigate the formation of the Mornington Peninsula Human Rights Group, and that this Group was attempting to favourably influence the State Government to pass the proposed Charter of Human Rights bill. A good start would be in gaining the support of our local Council, and she went on to invite me to attend the next meeting of the Group, in January 2006.

I did so, with the attitude that such a group was unnecessary, because we all have these rights as a matter of course. In retrospect, my objective was probably to influence the Group to cease its activities.

In reflection, after that meeting of the Human Rights Group, I came to the conclusion that all the available evidence suggested I was wrong; that quite improper pressure was being perpetrated around the world in denying natural justice to many people who are unable to protect themselves from the pervasive power of bureaucracies, and that those of us living in relative freedom should make our voice heard in support of those being persecuted. Effectively, I was persuaded that each voice counts, and that I could really no longer stand aside and not be active.

### Phase 2

We ran a most successful public forum in May 2006 in support of the Victorian *Charter of Human Rights and Responsibilities*, and were invited to further assist the Council to audit their various programs

against the criteria required in the new legislation. Some members of the Group have since consulted with the Human Rights Act for Australia Campaign Committee set up in an attempt to influence the successful submission of similar legislation into the Federal parliament. We encouraged seventeen Victorian Anglican Parish Churches to run concurrent vigils in December 2006, in support of a campaign to gain release for people such as David Hicks, held without trial for inordinate periods.

From spending many years in management roles, during which time I attended and ran many conferences, I came to believe that, in retirement, involvement in one or more voluntary bodies could be mentally stimulating, at the very least. And it is certainly true; participation in the Group has provided a new vision for me, and has been a truly rewarding experience. Nevertheless, on being asked to also assist in the proposed Symposium on Torture, I had to ask myself: Why am I against torture?

### **My View of Torture**

Using the basic definition of torture as the use of extreme pain – either physical or mental – to extract information, I again acceded. I was then not in possession of the results of the Morgan poll in September 2006 (see page 5), nor was I aware of a case in Germany two or three years ago, when a young man in Frankfurt was arrested, having been identified as the person who had kidnapped a young boy, and had refused to say where the lad was being held. The local police chief, understandably infuriated at this, actually threatened torture, should the information not be revealed. The young man – still then a teenager - then divulged the whereabouts, but the child was already dead when found.

The police chief was subsequently charged with inhuman actions (the threatened torture), but the resultant court case inflicted no punishment. I believe that was fair. Through training and experience, persons in such authority can frequently develop the facility to assess the likelihood that a threat will be successful, while still knowing that, should it not be, it is not possible to carry out the threat. That is despite the view of two Deakin University academics, who make the case that torture is right if its use against terrorists will prevent the almost certain loss of more lives (see page 5). In effect, even without knowledge of the above, I see no justification for torture.

Throughout all recorded history, there have been continuing instances of inhumane behaviour perpetrated by individuals and bureaucracies. Fortunately, the human race has gradually grown less barbaric and more enlightened. This year marks the bicentenary of the British Parliament enacting the law disbanding the Africa-Caribbean-USA slave trade (although the 'cleverness' of some traders meant even harsher cruelties were perpetrated for some time, until the law really took effect); and we have also witnessed, for example, the widespread elimination of the death penalty, universal suffrage, much better working conditions and no child labour.

Yet perhaps my involvement has been almost a personal need to appease my conscience for the continuing acquiescence I have shown to what many now perceive as an increasing tendency for governments around the world to 'cast a blind eye' to – or in some cases, actually to instigate – situations where citizens are subjected to acts of torture. When I stop sometimes, and ask that question of myself, the decision to continue is strengthened. Perhaps it is because I hold an absolute faith in an all-powerful God who is good, and I strongly believe both that we all exist on earth, challenged to live a life as close as possible to that Jesus came to explain; and that there is no life after death. We have this one chance only.

### **Now What?**

In all of this, individuals have fights with their consciences. What would I do if it was *my* child who had been kidnapped? – *my* life being threatened? Would I turn the other cheek, rather than retaliate? Some eminent Christians assert that we must obey our conscience, which might cause us to break the law – in which case, if charged, we must plead guilty, and become subject to due legal process, as was the policeman in Frankfurt. None of us can know in advance how we would act when threatened, because each of us is subject to human frailty; but I believe we should try to thrash out the challenge with our conscience to prepare ourselves against such a contingency. After all, if the world was perfect, such risk management would be unnecessary. It is because the world is not perfect that there is a need for this symposium!



If the Frankfurt police chief had received no answer to his threat of torture, and had then actually tortured the young man, what then? Surely the court would have been less lenient – and how then would you and I react? This is one of the reasons I have come to accept the challenge to participate in these groups, and to try to encourage others to adopt similar attitudes.

Greatly enthused by the outstanding success of the Group in running the Forum last year, and in more recently attracting considerable involvement in the Vigil for those we believe to be inexcusably imprisoned without charge, I firmly believe that the groundswell arising from groups which begin with the grassroots of quite ordinary citizens can dramatically affect public opinion. I hope that many more people will have their eyes and ears opened, and that they, too, will join in.

None of us is perfect, but those of us who accept that Jesus Christ came to earth to help us live better lives (as my late father emphatically did), could do well to heed the advice he gave me on numerous occasions. He asserted that, acting in love, if we have done our best and still there is something left to achieve - the Lord will provide.

I do hope that you can share this essence of my undying optimism. Thank you very much.

# **THE SYMPOSIUM'S KEYNOTE ADDRESS**



# **Torture: A necessary evil? Never necessary, always evil.**

by Alan Nichols

## **Definitions**

I accept the definition already given of torture:

The infliction of severe physical or mental pain, ordered and deliberately imposed on an individual by a public authority for a specific purpose - generally to produce a confession or information or for punishment.

I accept the international standard prohibition of torture, as in Article 17 of the *Geneva Convention*:

No physical or mental torture, nor any other form of coercion, may be inflicted on prisoners of war to secure from them information of any kind whatsoever. Prisoners of war who refuse to answer may not be threatened, insulted, or exposed to any unpleasant or disadvantageous treatment of any kind.

I reject any depiction of human beings of any group or ethnic origin as less than human. This is what Hutu militants did in Rwanda in the years up to 1994 to justify the genocide and the torture and cruelty which went with it. I was there on the border when this was occurring. I have tracked the external International Court on Rwanda which sought out and punished the genocide leaders, and the internal local trials which identified the militant followers. Essential to the justification was training people to regard 'the others' as 'cockroaches who should be wiped off the face of the earth'.

I utterly reject the arguments of Deakin Law School Professor Mirko Bagaric and Harvard academic Alan Dershowitz that non-lethal torture can be justified by the 'ticking bomb' scenario. However, we need more debate on their proposition that 'rights are not absolute'. Your rights and my rights may compete; what's more, my rights and my responsibilities may compete.

I reject also the implicit support of the use of torture demonstrated by the active cooperation in 'extraordinary rendition' by Britain, Sweden, Germany and Denmark. Israel and Egypt have always cooperated. Australia has implicitly cooperated by collaborating in the David Hicks case.

Let us consider the major ethical principles which are universally recognised, and see whether torture can be justified under any of them.

### **1. Medical Framework**

The origin of professional ethical codes of conduct was Hippocrates, fourth century BC. The main principle, put in medical terms was: 'Do no harm'. Over time, this extended to all professionals. A secondary principle developed in the last 50 years: Beware of 'double effect' (you may increase drugs to reduce pain, but unfortunately the patient died).

Can torture be ever justified under a medical framework of ethics? Clearly no. But the US has used the idea of unintended consequences in excusing deaths of suspected terrorists during torture. The motive, they say, was to extract confession. Death was what they call 'an unfortunate and unintended consequence' - a kind of 'double effect'. This excuse of course does not address whether the coercive interrogation was justified in the first place. It only addresses the question of whether, in the process, the torture was intended to kill or injure. Ethically, torture cannot be justified regardless of the physical impact on the victim. There can be absolutely no doubt that the medical principle of 'Do no harm' cannot possibly permit any physical or mental harm to the person being interrogated.

### **2. Religious Framework**

All major world religions uphold the dignity of the individual and respect for human life. Humans are created by God, made in the image of God, bear a soul, are destined for a spiritual purpose, and designed to live in harmony with others. The sacred scriptures and the teachings of prophets, preachers and imams support this. Archbishop Rowan Williams has said: 'Torture is an inadmissible invasion of the dignity of the human being'.

Respect for life among world religions operates on a continuum from an absolute protection of the foetus from the moment of penetration of sperm into egg through to permission for late-term abortion in certain circumstances such as rape, incest or degree of handicap. But in all cases, respect for life of the human being once born is inviolate.

On a community scale, a religious view of ethics leads to the concept of 'the common good' - that the rights or desires of the individual cannot be promoted in ways which harm everyone else in the community. This became codified in Europe in a multitude of laws and regulations, but it also led to social security and welfare systems, which expressed the concept that the whole community has a responsibility for widows, orphans and the poor. The common good can never be used to justify persecution or torture of minorities.

No world religion permits or justifies the use of torture to extract confession or information, although it is obvious that at various times in history and in parts of the world today, religious devotees and even religious authorities, have endorsed and practised it. In Rwanda, some Catholic and Anglican bishops approved of the campaign to vilify the Tutsis, which paved the way to eliminate them. Currently, some Western religious leaders endorse the 'necessity' of torture to preserve 'God-given' freedoms. I find it hard to agree with the proposition that 'fortunately, the human race has gradually grown less barbaric and more enlightened.' The German period of the 1930s and 40s showed the opposite. So did the Rwanda genocide. When I revisited in 1995, the bodies of three bishops remained unburied in a schoolyard in Kigali, and I met four Anglican bishops in exile in Nairobi - never to return home because they would face war crimes charges. Even religious leaders can get carried away with racist ideology.

### **3. Philosophical Framework**

Utilitarian philosophy developed as an alternative to the Christian moral code. The greatest good for the greatest number is the basic idea. This leads to the thesis that severely disabled children up to the age of one can be euthanased because of the cost to the community of their lifetime care. In the torture context, I would place in this category the US argument for coercive interrogation that 'the greater good of national security justifies indefinite detention and torture of suspected terrorists',

and that torture is therefore 'the lesser of two evils'. Behind this argument sometimes is the idea that 'no right is absolute' and that all public policies are a trade-off between absolute virtue and necessary compromise. So there are no absolutes in this ethical framework.

Torture can be and is justified under the utilitarian philosophy. This in the Nazi era justified the torture and elimination of gypsies, homosexuals, Jews and ethnic minorities. Put this way, it is quite abhorrent, but the current US argument for 'the greater good' is quite similar.

#### **4. Human Rights Framework**

Codification of human rights originated in the 1948 UN Declaration. The determination of nations then was that World War II behaviour can never be repeated. The code was reinforced by the *International Covenant on Civil and Political Rights* 1966, which specifically outlawed torture, and also by the 1984 *Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment*. The code is turned into laws by nations which have ratified it. It specifically forbids torture, and using the principle established in the Magna Carta, insists on *habeas corpus* (every accused has the right to trial within a reasonable time). Australian Federal anti-terrorism legislation actually allows fourteen days detention without charge - which many regard as contrary to the principle of *habeas corpus*. Another recent example of Australian denial of *habeas corpus* is the arrest of two alleged Tamil Tiger terrorism supporters, arrested in Australia, followed by a press conference where the police announced their guilt, calling them terrorists before they were even charged.

One right is the right to protect with force if necessary self, family and property. On a community scale, human rights of the individual are protected from exploitation or oppression by the majority by the 'separation of powers' (separate jurisdictions of executive government from the judicial system). On the national scale, the Just War Theory was developed, with its internal ethical implications (Response to aggression or invasion should be in proportion to the aggression, etc). Torture is never justified by a Just War.

Human rights include the right to free speech, to religion, to assembly. US authorities currently argue that to secure and maintain these freedoms for the many, it may be necessary to forego the freedoms of the few - that has excused 'rendition', detention without trial and beyond legal jurisdiction, as well as 'coercive or extreme interrogation'.

## **Conclusion**

No ethical framework is safe from invasion by the justifiers of torture: Do no harm - we did not intend it. Respect life - we have to fight to maintain God's given freedoms. Torture is the lesser of two evils. Human rights are foregone for the few to maintain them for the many.

\* \* \*

But this is not the end of the matter ethically. There are serious issues in the way torture is explained, the way it is done, and what effects it has.

### **1. Use of Language**

In every language words have stated and understood meanings. The justification of torture in the Age of Terror has prostituted the plain meaning of words. Torture is 'coercive interrogation'; prisoner transfer beyond Western legal jurisdiction is 'rendition'. Thus words lose their plain meaning and euphemisms replace clear language to justify the unjustifiable.

### **2. Authorising Thresholds**

Once torture is authorised, what is the threshold of behaviour? The US Army has had to reissue its manual for treating prisoners, prohibiting water-boarding, keeping prisoners awake for days, etc, following publication of these means of torture. Defense Secretary Rumsfeld had previously authorised them. For several years, coercive interrogation was justified in the case of 'imminent' terrorist attack. Why only 'imminent'? Who defines 'imminent'? If it is justified because a bomb is ticking somewhere now, is that worse than a bomb which will be placed next week? Or next year?

And who determines what is the greater good which justifies torture? Is it the President or Prime Minister? Or Congress/Parliament? Or the Army with delegated powers? Or the judiciary? Or the people? Whoever



makes the decision, how is the decision-maker held accountable for the decision? Are they outside the law? Or like war criminals from Kosovo or Cambodia or Rwanda, can they face trial for their actions?

### **3. Ignoring Evidence of Efficacy**

No evidence has been produced which proves that torture has prevented the ticking bomb from going off. Confessions are frequently false, or identify innocent people. Torture is simply inefficient in providing any major information on terrorism. It frequently leads to personal confession of involvement - anything to stop the torture. It is completely unreliable. This is an ethical issue, because it goes to the heart of why it is justified.

### **4. Effects on Those Involved**

Across the world, the testimony of psychologists and others involved in operating counselling and treatment for torture victims is that it destroys the dignity of the victims. Other evidence shows that torture also harms the humanity of the perpetrator. It is my belief that it always exceeds any thresholds determined, and that it diminishes the rule of law.

### **Conclusion**

Torture fails all ethical tests. Even in a Just War, torture is never necessary or justified. All the subterfuges are designed to lull us into a false sense of 'trust us, we live in difficult times'. Must we keep silence for ever because of the Twin Towers? Is it the end of human rights absolutes? Will we surrender all sense of decency and law, without a whimper?

# **ARISING FROM THE SYMPOSIUM**



# The Recent History of Torture in Some Liberal Democracies

by John Howells

By the end of the eighteenth century, most nations in Europe had banned the official use of torture to obtain confessions or testimony. This reversal of the common practice of the previous five centuries may be attributed to the Enlightenment and its humanitarian ideals.

State-sanctioned torture did not cease, of course, but it was done secretly for it was widely judged to be morally repugnant. This was the situation throughout the nineteenth and twentieth centuries. Torture was universally condemned, but many European nations did, in fact, practise it, especially in times of war or to control indigenous peoples in their colonies.

The moral condemnation of torture reached its high point in the wake of the horrors of World War II with the adoption, without controversy, by the United Nations of the *Universal Declaration of Human Rights* (1948). Gradually over the succeeding decades a body of international law was developed to implement and enforce the moral condemnation of torture. The *Geneva Conventions* (1949) ban 'mutilation, cruel treatment and torture' of prisoners of war and civilian detainees during armed conflicts. The *International Covenant on Civil and Political Rights* (1966) proscribes torture even 'during public emergencies that threaten the life of the nation'. The *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (1984) places an absolute ban on state torture, and declares that, 'no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture'. Some 138 nations are parties to this *Convention against Torture* and 78 have signed it.

Despite this growing body of international law proscribing the use of torture, many nations, including those who have signed one or more of these treaties, continue to resort to torture when they considered it in their national interest to do so. It is not just authoritarian dictatorships

that are guilty. Many liberal democracies carry the stain of deliberately using torture while officially denying it.

### **France**

The process of decolonisation following World War II was a particularly divisive, bitter and bloody one for France. In 1954 France launched a pacification program in its Algerian colony to quell a guerrilla campaign aimed at independence. This led to seven years of war, the Algerian War of Independence, that resulted in the forced relocation of two million Algerians, the deaths of some 300,000, and the torture of almost as many. When the *Front de Libération National* (FLN) began an urban uprising in Algiers in 1956, the French used torture to locate and arrest FLN cell members in the narrow alleys of the casbah. Those tortured were then summarily executed and their bodies dumped. It is known that 3,024 of those arrested disappeared. These brutal tactics enabled the French to win the Battle of Algiers, but it cost them the war. Anger and resentment quickly turned the FLN into a mass party and by 1962 France had to agree to Algerian independence. Throughout the war, France argued that the guerrillas were outlaws and therefore not entitled to the protections of the *Geneva Conventions*. It also claimed that provided its methods of interrogation were carefully used, electrical shocks and forcing water down a victim's throat to simulate drowning, did not constitute torture. But the issue of torture divided the French people.

### **Britain**

During the 1950s Britain was involved with the United States and Canada in research into psychological techniques that could be used in counter-insurgency, and in the 1960s began training its elite forces in these methods. When the Irish Republican Army (IRA) launched a campaign of bombings across Northern Ireland in the early months of 1971, Britain felt compelled to fight terror with torture, just as France had in Algiers. The techniques they used involved a combination of sensory deprivation and self-inflicted pain to disorient and break the resistance of suspects. Five particular techniques were authorised: forced standing in a stress position, hooding, continuous loud hissing noise, sleep deprivation, and food and drink deprivation. Individually they seem very mild compared with traditional forms of physical torture, but in combination over extended periods they were known from research to cause the disintegration of personality, the shattering of mental and

psychological equilibrium, and the crushing of the will. News of the techniques was leaked to the press and the government was forced to hold an enquiry. The result was a whitewash. The Irish Republic then formally complained to the European Human Rights Commission, and its 1976 report clearly condemned Britain. The matter went to the European Court of Human Rights; Britain's attorney general was brought before the court and had to undertake to the court that these five techniques would never be re-introduced.

## **Israel**

Israel is the only democracy ever to have legalised torture. Faced with continuing terrorist attacks during the First Intifada, the Israeli government in 1987 set up a commission of enquiry, the Landau Commission, to examine what methods of interrogation should be used with suspected terrorists. Its controversial report recommended the official use of torture under strict conditions. The administratively designed limits that were adopted proved impossible in practice to observe or to enforce, and torture soon became routine and general. Instead of torture being used only in 'ticking bomb' situations, virtually all Palestinian detainees were tortured. The system was abandoned after eleven years, and since 1999 the use of torture has been illegal in Israel.

## **The United States**

The half century following World War II was dominated by the Cold War, the struggle between western democracies and the communist east. In 1948 Cardinal Mindszenty of Hungary, a strong critic of the new Hungarian communist regime, was arrested and charged with treason. He was brought to trial two months later and in a quiet flat voice confessed his guilt. He was sentenced to life imprisonment. How had the communists done it? The term 'brain-washing' was invented. Then during the Korean War (1950-53) US military authorities were deeply shocked by the fact that 70% of the 7,190 US prisoners of war had cooperated with their North Korean or Chinese captors. How did the communists do it?

In 1947 Washington passed the National Security Act to create both the National Security Council and the Central Intelligence Agency (CIA). The latter is answerable directly to the President through the National Security Council and, therefore, is removed from congressional

oversight. Accordingly, the CIA has been able to operate virtually outside the law for covert operations, assassinations and torture. Enormous effort and sums of money were poured into discovering the secret of brain-washing and how to protect American soldiers against it. At first the CIA suspected mind-bending drugs, but later research showed that brain-washing was a combination of sensory deprivation and self-inflicted pain. Such things as sleep deprivation, solitary confinement, extremes of heat and cold, stress positions, and humiliation when used in combination will break the will of most subjects to resist.

In 1963 the CIA compiled the first of its interrogation manuals embodying the results of this research, and covertly used and refined the techniques against communist opponents in Vietnam, Latin America and elsewhere around the world. As conventional counter-insurgency failed to defeat the Vietcong in South Vietnam, the CIA in 1967 developed a covert operation called the Phoenix program. It involved a nationwide intelligence collection system supported by a central bureaucracy. Thousands of South Vietnamese civilians were rounded up, questioned under torture and then executed. The CIA leader of the program admitted to a congressional subcommittee in 1971 that Phoenix had killed 20,587 Vietcong suspects. While the program damaged the Vietcong infrastructure, it alienated the population and contributed to the eventual defeat of the South Vietnamese government.

While the CIA was developing its methods of psychological torture, the US military developed a series of projects which tried to immunise its personnel against such treatment by enemies. Perhaps the most famous was SERE (Survival, Evasion, Resistance, Escape). SERE trained soldiers to live off the land, to outsmart adversaries and, if captured, to resist torture. Those who undertook SERE courses were in fact tortured in the hope of immunising them against torture by an enemy. After the invasions of Afghanistan and Iraq, SERE techniques were seen also to have potential as 'coercive interrogation', and were used against Taliban and Al Qaeda detainees.

In the evening following the terrorist attacks of 11 September 2001, President Bush in an address to a stunned nation declared 'war on terror'. Later that evening he gave his White House counter-terrorism staff authority to use drastic methods, saying 'any barriers in your way, they

are gone'. Sweeping new powers were given to the CIA and the military to use extreme methods of interrogation in the hunt for Al Qaeda suspects. At the same time elaborate legal defences were prepared to justify and protect this secret adoption of torture as a principal weapon in the 'war on terror'.

Officially, the Bush Administration declared itself opposed to the use of torture. It was confident that the interrogation techniques it had authorised could be classified as legitimate coercion and not torture. Its lawyers went to great lengths to build defensive legal barriers around its actions. For instance, the US added 19 reservations to the UN *Convention against Torture* before signing it. The UN Committee against Torture considered this extraordinary number of reservations unacceptable and asked that they be withdrawn. They still have not been.

By 2004 the CIA had developed a string of prisons around the world to house 'ghost detainees', usually high value Al Qaeda suspects held without the registration numbers required by the *Geneva Convention*. In addition, the CIA engaged in what they have called 'extraordinary rendition', sending such detainees to the secret police in countries which routinely practise torture. The CIA maintained a secret fleet of planes to shuttle prisoners around the world.

Since the Abu Ghraib scandal and especially since the *Hamdan v Rumsfeld* (2006) decision of the US Supreme Court that all enemy combatants are entitled to the protections of the *Geneva Conventions*, which Bush Administration lawyers had denied, the Administration has had to backtrack. The present US position is that torture is prohibited to the military, but the ban does not apply to the CIA.

### **Australia**

Australia was implicated in the use of torture in Vietnam. When press reports emerged that Australian soldiers were using a form of water torture on captured Vietcong soldiers, the young Minister for the Army, Phillip Lynch, declared that there was not 'a scintilla of evidence' to support the claim. He later had to admit that he had been misinformed.



Today, Australia's reputation is compromised by its continuing support for US policies at Guantánamo and by its immigration policies aimed at deterring asylum seekers.

The case of David Hicks has highlighted the former. The Australian Government supported the incarceration of Hicks for over five years, without trial, at Guantánamo under conditions which detailed reports by the FBI and the International Committee of the Red Cross branded as 'tantamount to torture'. Both the US and Australian governments have rejected these assessments. Our attorney general, Philip Ruddock, for instance, has declared that sleep deprivation is not torture, a standard defence and half-truth frequently used by defenders of Bush Administration policies.

The Howard Government claims that its Pacific Solution has been most successful in stemming the tide of 'boat people' seeking to come to Australia. Two elements of this policy have led to accusations of torture. Firstly, the indefinite detention of persons rejected by Australia and unable to find a third country willing to accept them is cruel and inhuman, if not torture. The cases of Mohammed Sagar and Mohammad Faisal are examples of men who languished for over five years off-shore before finding asylum. Faisal became suicidal and had to be placed in a psychiatric hospital.

Secondly, conditions in our detention centres, both in Australia and off-shore, have been harsh. Men, women and children have been demonised and treated as criminals. The Symposium heard stories of abuse and ill-treatment at Baxter Detention Centre from one who has worked closely with detainees there in the days when it held many asylum seekers. She told of men being mistreated by some guards, of families being disturbed at night by guards entering their room and shining torches in their eyes, of detainees being served rotting food and of being kept in solitary confinement for minor infringements. She told of Cornelia Rau being stripped naked, and left in solitary confinement in full view of guards. This may constitute torture as it is humiliating and degrading. Such treatment would seem to be deliberately intended to deter future would-be asylum seekers. Hopefully, since the public outcry, the culture in our detention centres has improved.

## Why Do They Do It?

The use of torture creates awkward problems in a liberal democracy.

Firstly, there is the problem of managing public opinion. Even after five years of 'war on terror' propaganda large sections of the public still have an adverse reaction to the word torture. From George Bush down the public has heard of the need to get intelligence so that 'American lives will be saved', and this has been vividly emphasised by popular television shows like *24* and *NYPD Blue*. So the word torture is avoided. At a press conference shortly after news of Abu Ghraib hit the world, Donald Rumsfeld said, 'what has been charged thus far is abuse, which I believe is technically different from torture'. Then when pressed he said, 'I'm not going to address the "torture" word'. A variety of words and phrases have been used to avoid the T-word, such as 'coercive interrogation' and 'management techniques'. When the photographs made it impossible to deny what had happened, it was condemned as the actions of 'a few bad apples on the night shift'.

Secondly, there are legal problems. If a detainee who had been tortured were to appear before a regular court, his or her evidence could be politically very damaging for a government. It has been important, therefore, for the Bush Administration to prevent this happening by such subterfuges as creating 'ghost detainees' whose identity and whereabouts are unknown, by calling Taliban and Al Qaeda detainees 'illegal combatants' and therefore outside the protections of the *Geneva Conventions*, and by keeping detainees at Guantánamo Bay which was held to be outside the jurisdiction of US courts. To protect the US Administration from legal challenges under both US law and international law, its lawyers developed elaborate defences, such as defining torture so narrowly that almost no act, however horrendous, could be proved to be torture. Similarly the French denied that the interrogation techniques used in Algiers were torture, provided they were correctly performed.

Thirdly, there is the problem of what to do with people who have been tortured. During the Algerian War and the Vietnam War the solution was simple, kill them and dump their bodies. Today that solution is not open to the US, except perhaps in the case of ghost detainees. Indefinite detention at Guantánamo will probably be the solution, unless inmates

can be persuaded, as in the case of Hicks, to sign statements saying they have not been tortured.

Given that the use of torture creates so many problems, why do democratic nations persist with it? Why is it so popular? There are two main reasons for using torture: to extract information and to punish opponents. Although the first reason, when called coercive interrogation, is the reason usually trumpeted, in fact there is little evidence that it has produced much useful intelligence. The second reason is more likely to be the real reason. After the 11 September 2001 attacks, America wanted revenge. As President George Bush told his counter-terrorism staff that first night, 'we are going to kick some ass'.

Professor Alfred W. McCoy, in his carefully documented account of American use of torture from the cold war to the 'war on terror', called *A Question of Torture*, confronts the puzzle, 'If torture produces limited gains at such high political cost, why does any rational American leader condone it?' He then refers to a 1956 CIA report seeking to understand the use of torture by Soviet leaders which concludes: 'When feelings of insecurity develop within those holding power, they become increasingly suspicious and put great pressures upon the secret police to obtain arrests and confessions'. He also notes a 1982 investigation of police interrogation methods in Britain which found that, while frequently achieving little, the questioning of suspects dominates investigations, because it fulfils certain psychological needs of police. It is 'immediate, familiar, predictable, and under police control'. McCoy concludes that, 'the powerful turn to torture in times of crisis, not because it works but because it salves their fears and insecurities with the psychic balm of empowerment.'

# Manipulation of Language

by Margaret Ray and John Howells

George Orwell wrote in 1946 about this topic in a way which seems eerily pertinent to 2007.

In his famous essay 'Politics and the English Language' Orwell stated that political writing was, broadly speaking, bad writing. He also observed that most people, at that time, regarded the decline of language as inevitable along with the collapse of civilization. This he rejected on the grounds that language is not a natural growth, but an instrument which we shape for our own purposes.

He claimed that political speech was largely the defence of the indefensible.

Things like the Russian purges and deportations, the dropping of the atom bombs on Japan, can indeed be defended, but only by arguments which are too brutal for most people to face, and which do not square with the professed aims of the political parties.

He used some very powerful examples as illustrations.

Defenceless villages are bombarded from the air, the inhabitants driven out into the countryside, the cattle machine-gunned, the huts set on fire with incendiary bullets: this is called 'pacification'.

Millions of peasants are robbed of their farms and sent trudging along the roads with no more than they can carry: this is called 'transfer of population' or 'rectification of frontiers'.

People are imprisoned for years without trial, or shot in the back of the neck, or sent to die of scurvy in Arctic lumber camps: this is called 'elimination of unreliable elements'.

His view was that such euphemisms are necessary if one wants to name things without calling up mental pictures of them.

How well this explains the euphemisms of our time and, in particular, the re-definition of torture through the manipulation and debasement of words! Words which we shape for our own purposes.

If you want to be convinced and inspired read his complete essay online.

Here are some current examples from Bush Administration speakers (2002-2006) and some Australian politicians in a context where torture is implied.

| <b>What Politicians Say</b>   | <b>What They Are Seeking to Justify</b>  | <b>What It Actually Is</b>  |
|---|--|---|
| 'tough tactics'<br>'extreme techniques'<br>'alternative procedures'<br>'aggressive interrogation' | interrogation techniques authorised by the Bush Administration for the military and the CIA  | torture and ill-treatment   |
| 'coercion'<br>'necessary coercion'<br>'justifiable coercion'<br>'coercive interrogation'          | 16 additional techniques authorised by Rumsfeld including stress positions, sleep deprivation, hooding, induced hypothermia, time manipulation, sexual humiliation | psychological and physical torture  |
| 'unlawful combatant'<br>'illegal combatant'<br>'enemy combatant'<br>'security detainee'           | denial of the protections of the <i>Geneva Conventions</i> to those captured during the wars in Afghanistan and Iraq   | arguably a war crime  |
| 'management techniques'   | the treatment of detainees at Guantánamo Bay   | 'tantamount to torture' according to the International Committee of the Red Cross |

|   |  |   |
|---|--|---|
| 'rendition'<br>'extraordinary rendition'                                  | the transport of terror suspects without formal extradition to foreign countries notorious for torture                     | outsourcing of extreme forms of torture   |
| 'a single occupancy cell'<br>'privacy'<br>'personal space'<br>'isolation' | incarceration for 22 hours per day in a constantly lit cage with no view of the natural world or contact with other people | prolonged solitary confinement which is psychological torture                     |
| 'sleep management'  | allowing a detainee only four hours sleep per day, resulting in confusion, incoherent speech, and depression               | sleep deprivation which is psychological torture                                  |
| 'stress positions'<br>'self-inflicted pain'                               | made to kneel with hands tied to ankles or squat or stand, all for long periods of time                                    | physical torture  |
| 'water-boarding'  | pouring water down the victim's throat to simulate drowning  | physical torture  |
| 'an antiterrorism precaution'   | the lengthy detention (Nov 05 - Jul 07) of 10 unconvicted remand prisoners in 'supamax' units of Barwon Prison             | breaches of international law: no trial within a reasonable time, cruel treatment |

All of these forms of torture or other cruel, inhuman or degrading treatment or punishment are prohibited by international law.

# **FIVE PROPOSITIONS CONCERNING TORTURE**

## **The Agreed Statement of the Mornington Peninsula Human Rights Group**

### **1. Torture violates the inherent dignity of the human person.**

A belief in the measureless value of each person undergirds the *Universal Declaration of Human Rights* and the various conventions that have flowed from it. This belief, common to many religions and philosophies, cannot be proved, but it can be demonstrated. The examples of saints, humanitarians, and all whose lives have helped ease the sufferings of others, bear witness to this belief. Torture demeans those who are tortured, those who authorise, inflict and oversee torture, and the society in whose name the torture is administered.

### **2. Torture is rightly banned in international law.**

The ban is absolute and unconditional: there are no exceptions. The experience of Israel, which legalised torture from 1988 to 1999, shows that only an absolute ban is a practical policy. Once torture is officially allowed, it is impossible to control or limit its spread. Nations need to have laws for charging, trying and punishing those who breach the ban. The 'ticking bomb' scenario, often used to justify the use of torture, especially in television and cinema, is so improbable as to be unbelievable. Nevertheless, it is theoretically possible and represents the price that may one day have to be paid for adopting a total ban. On the other hand, as the examples of France in the Algerian War, the United States in the Vietnam War and Israel during the First Intifada have shown, there is an enormous political and moral price to pay for sanctioning the use of torture.

### **3. Torture is unnecessary.**

Mirko Bagaric, head of Deakin University Law School, and others have argued that torture is a necessary evil in the fight against terrorism. In practice, however, torture yields unreliable intelligence. The evident purpose of using torture in the 'war on terror' is to punish those who dared to bomb American cities and those who dare to support them. The new US army field manual, *Human Intelligence Collector Operations* (2006), states: 'Use of torture is not only illegal but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the collector wants to hear'. There are better alternatives. The US military has since 2006 returned to its traditional interrogation methods, methods the Federal Bureau of Investigation (FBI) has never abandoned. These involve 'rappport building' and patient police work checking and cross-checking statements. These methods are slow, but they have been shown to produce reliable intelligence and, when necessary, the results stand up in a court of law.

### **4. Torture is counterproductive.**

Before the Abu Ghraib scandal broke, a poll showed that 63% of Iraqis supported the occupation. One month afterwards the support dropped to 9%. The images of Abu Ghraib have been used by Al Qaeda as a powerful recruiting tool around the world. Torture radicalises enemies and stiffens their resistance. US Senator John McCain, a prisoner of war for five and a half years in Vietnam, argues powerfully that full support for the *Geneva Conventions* and for the monitoring role of the International Committee of the Red Cross is an important protection for prisoners of war. The use of torture, on the other hand, endangers a nation's armed forces.



## **5. Torture undermines a nation's moral authority.**

The US State Department is required each year to submit to Congress 'Country Reports on Human Rights Practices'. These reports are detailed assessments of the human rights record of every country in the world, except the USA itself. Human Rights Watch, an independent, non-governmental human rights organisation, has described them as 'largely candid and accurate'. Over the years they have had tremendous moral authority. The reports have condemned as torture such practices as sleep deprivation, prolonged isolation, environment manipulation, stress positions and humiliation, in countries such as Syria, Egypt, Pakistan, Burma, Iran, China, Jordan. Yet these same practices were officially authorised for US troops in 2002 by Secretary of Defense Donald Rumsfeld and, although now banned for the military, they continue to be available to the Central Intelligence Agency (CIA). Why should countries which routinely practise torture heed a United States whose morality is questionable? Torture undermines the moral authority both of a nation and of its leaders. The breaches of international law by the Bush Administration weaken the authority of America abroad, and bring shame to America's leaders, to America's citizens and to citizens of America's allies.

***These five propositions were agreed to by the following participants in the Symposium on Torture:***

*Will Anderson, David Ball, Trish Ball, Tallace Bisset, Marguerite Brennan, Rosemary Brown, Marj Carroll, Hans Christiansen, Colleen Clayton, Catherine Eaton, Bonnie Einsiedel, Elspeth Fleming, Andrew Grummet, Margaret Grummet, Tony Helm, Helen Howells, John Howells, Robyn Hughan, Peggy Kerr, John Lukies, Cath Lyons, Maggie Mackie, Casselly Main, Val McKenna, Christine Mogford, Alan Nichols, Lois Pilkington, Norman Pilkington, Gail Price, Margaret Ray, Bree Ridgeway, Edwin Roberts, Patricia Rodriguez, Pat Spencer, Bob Spencer, Colin Thornby, Steve Warne, Peter Wilson.*

# APPENDICES



## Contributors

**David Ball** is a businessman. In the early 1960s he switched from inventory management to the world of computers, which was frontier stuff in those days. This led eventually to running a consultancy practice, specialising in Business Continuity Management. Now in retirement he is delighted to have the time to be surprised at the interesting things there are to do. He is a member of Saint John's Anglican Church, Sorrento.

**Hans Christiansen** was born and raised in Denmark, where he undertook studies in philosophy and theology at Copenhagen University. He came to Australia in 2003, was received into the Anglican Communion, and ordained priest in December 2006. He is currently assistant curate in the Anglican Parish of Sorrento and Rye. His main areas of interest are spirituality, social justice and history.

**Elsbeth Fleming** studied medicine at London University, at Saint Bartholomew's Hospital Medical College. She had begun to specialise in pediatrics when she met and married Bill Fleming, migrated to Australia and had three children of her own to care for. When the children grew up, she returned to medicine and was a member of a group practice in Mordialloc for twenty-two years. She is the founder and, until recently, was the director of the Friday Club, a drop-in centre for people with a mental illness. She is a member of Saint John's Anglican Church, Sorrento.

**John Howells'** career has alternated between education and pastoral ministry. Originally a science teacher, he was ordained an Anglican priest in 1961 and served in several parishes before becoming director of an ecumenical body concerned with religious education. After two more parishes he spent two years teaching in Papua New Guinea. In retirement he is a member of Saint John's Anglican Church, Sorrento and has become interested in human rights issues.

**Alan Nichols, AM** is an Anglican minister and ethicist. He is chair, Ethics Committee, Peter MacCallum Cancer Centre, a member of the Victorian Government's Biotechnology Ethics Advisory Committee, a member of the Ethics Panel of the Infertility Treatment Authority, and

an Honorary Senior Fellow, Centre for Applied Philosophy and Public Ethics, University of Melbourne. Among his books are *Life and Death Decisions* (Acorn 1997), *A Street Called Choice* (Acorn, 2005) and *On The Path To Mutual Trust* (Acorn & VCC, late 2007).

**Margaret Ray, AM** After teaching and parenting roles, Margaret was a member of the Victorian Legislative Assembly seat of Box Hill from 1982 to 1992. Interest in a range of health, social and ethical issues led to her appointment as chair of the all-party parliamentary Social Development Committee from 1988 to 1992. She has been a board member of Melbourne Citymission (1993-2007) involved particularly with programs which support women exiting prison. In 2004 Margaret was made a member of the Victorian Women's Honour Roll and a Member of the Order of Australia for her community and parliamentary service. She is a member of Saint David's Uniting Church, Canterbury.

**Pat Spencer** was born in the north of England during the Second World War. At the age of twelve she came with her parents to Melbourne, but later returned to work in England. It was there she met Bob, and later back in Australia they were married and had two children. Pat's career has been in medical practice, first in England, and later here in Melbourne where she was manager of a large general practice. She is a member of Saint Andrew's Anglican Church, Rye and loves gardening, travel, cinema and reading.

**Colin Thornby** was raised in Gippsland, and holds degrees in theology, nursing and philosophy. His doctoral dissertation, on medical uses of power over the body, is being prepared for publication. A sociologist and registered nurse, with professional and research interests in medical sociology, power relations, and sociology of religion and theology, he currently works as an educational consultant for the higher education sector. He is a member of Saint Andrew's Anglican Church, Rye.

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