

## Torture: The living Death

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Points to Develop:

It takes a war or custodial death to make the subject of torture topical, only to be soon forgotten. But it is a practice continuing from the past to this day.

In this past, torture was a legal procedure to extract confession or to punish.

Historical overview of torture under various kinds of regimes shows its universal practice and similarity in forms.

Examples of forms of torture.

Torture is now also a political weapon.

Antithetical to democracy, it at times assumes the euphemism of 'official investigation'.

Proclamations against torture notwithstanding, state-sanctioned torture prevails in many countries. There is no international 'law' to counter the situation.

Explain of torture victims.

Lacunae exist in India-vicious political links.

Conventions-UN, Geneva, etc. –exist but are seldom followed in practice.

Torture has gruesome effect on victim; only haven is the IRCT. In India there is the IMA AKN Sinha institute for counseling victims.

The psychology of a torturer.

Each one of us should guard against succumbing to the use of torture.

Torture is, undoubtedly, the most barbaric form of human punishment. It takes a war or a custodial death to revive the discussion on the subject. The horrendous stories of torture appear in prime slots of television channels, magazines and newspapers with passionate and furious critics adding to the fervor.

Disappointingly, these stories remain just stories for the masses to read, lament on and eventually dismiss as yet another subject beyond the reach of law. With the changing social and political milieu, concepts and ideas have acquired new dimensions. But torture was and is to this day most certainly used by people in authority, and there is no strong shield against it.

Dating back to ancient times, torture was primarily a legal procedure for extracting a confession to be used as legal proof. The early Greek and Roman law limited its use to slaves, foreigners and people considered dishonorable.

In the late 400s, the use of torture declined after the fall of the Roman empire. But in the 1100s, certain Roman legal procedures, including torture, were revived in many parts of Europe. Thereafter, torture was legally employed by civil and religious courts to obtain confessions until about 1800. Around that time torture was abolished after being criticized on moral and legal grounds. This inhuman act gradually reappeared during the late 1800s and 1900s. Its abuse in the hands of military forces, police and other groups with public authority, began controlled and to gain secret information about civil, military and political matters. The 1900s witnessed the boom in torture and political beliefs were placed above human rights.

Dictatorial governments used torture without any qualms to control the masses; freedom of speech, assembly or press was outlawed or limited and revolts were suppressed with a heavy hand. In 1935, Hitler declared German Jews as citizens with lesser rights and tortured a majority of this population to death. Six million Jews were mass-slaughtered in concentration camps. Soviet prisoners of war were starved and worked to death. Was considered the most advanced means of torture. Jeffry Benzian of the apartheid era was notorious for extorting information out of his victims in less than 30 minutes. He employed the “wet bag” treatment- a bag soaked in water pulled over the head of a victim and twisted tightly around the victim’s neck, cutting off the air supply. The bag would be removed only when the victim showed signs of wanting to talk.

History is replete with incidents of torture, and it leads one to conclude that torture is a blanket phenomenon associated with the human race. Surprisingly, even the methods of torture employed across the length and breadth of continents show similarities.

Some common forms of physical and psychological torture are; isolation, “falanga” (blows to the soles of the feet), electric shocks, suffocation (example: victim’s head forced into water containing excrements), pulling out teeth, burning by cigaretters or red-hot iron bars, mutilation (nails pulled off or a parts of body amputated), sexual torture, mock executions, letting détentés torture each other and even pharmacological torture. Putting it in simple words, torture is infliction of physical or mental pain, often to obtain information, to punish a person or to control the members of the group to which the tortured person belongs. Its sole purpose is to induce shock and passivity in individuals or an entire community.

An effort to suppress revolt through torture was made by the British before 1947 in India. The women freedom fighters were brutally tortured using all possible means to dissuade them from taking part in the freedom struggle. The torture began with verbal abuses, followed by stripping or hanging the victims upside down. Electric shocks were administered to fingers and nipples of women. Some of these women were even raped.

With changing times, torture has made a transition from being a means of punishment to a potent political weapon. This is evident from the addition of newer categories of groups of people to the list of potential victims of torture. While in early times only prisoners of war, criminals or slaves were tortured, today refugees, spies, the political opposition and student leaders, journalists and ethnic minority leaders are also the victims.

Concept wise, torture is antithetical to democracy since it always goes against the freedom of speech and expression and the right to political dissent. The purpose of torture is to silence the tortured. In new democracies, the victims of torture can be counted in millions as it is a means of individual power abuse by law enforcement personnel. In most of these nations freedom is new found and those at the helm of affairs often lack the true qualities or requirements of a ruler. But they do not want to relinquish power. Essentially bullies, they are also, like bullies, cowards. Cowards cannot by word or language- or even through rule of law- convince people of their right to rule a country, a state or a community. So they choose to be on guard citing the matter further is the fact that torture is no longer used overtly but in the garb of “official investigations”. This infamous form of violating human rights is paradoxically the most rampant weapon in the hands of law enforcement agencies.

Human rights activists the world over condemn what the United Nations calls “the most loathsome form of human communication and incitement”. The universal declaration of Human Rights adopted by the UN in 1997 proclaims- “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” But the sad fact is that government – sanctioned torture is prevalent in several member-states of the UN. In India, too, torture is a weapon employed by those in authority, though it is not legal.

Rakesh Vij, witness to a murder, was taken into custody being suspected to be an accomplice in the crime. He was mercilessly beaten on the soles of his feet, struck repeatedly on the buttocks and finally forced to urinate on an electric heater. It was only when he came close to dying that his broken body was taken to the hospital by a senior officer saying his injuries were self-inflicted. He was discharged after three months, the hospital authorities claiming he was

recovering. A panel of doctors from BHU appointed after the victim's father moved the court ruled that Rakesh was recovering well. It was later under the auspices of the National Human Rights Commission that the Indian Medical Association experts on torture found that even after three years, Rakesh had a severe head injury as a result of which his gait was impaired. He also had serious spinal injuries. His bladder had been badly electrocuted and he was not able to retain or control his urine. He also suffered from intense mental trauma.

Surinder Singh Fauji, a retired army man from Ludhiana, was arrested by Punjab police in 1990. He was tortured brutally for 20 days and then, along with six other prisoners, shot in cold blood. A press release claimed that seven "dreaded extremists" had been killed in a "fierce encounter". Fauji survived, but did not recover from the torture. He lost his hearing powers, cannot walk properly and lives in constant fear of being eliminated as he is the sole eye-witness to the extra-judicial execution in a criminal case filed against the policemen.

Article 21 of the India Constitution guarantees; "No person shall be deprived of his life and personal liberty except according to the procedure established that this rights cannot be taken away from a prisoner save by methods rights, just and fair. The Indian government enacted the Human Rights Act, 1993 and set up the National Human Rights Commission under the act as a watchdog against any violation. Then there is the Indian Penal Code. Section 330 of the Code makes "anyone in authority resorting to torture on person in custody for extortion of information liable to penal action". Section 15 and 16 of the Prisoners' act provide means to protect prisoners from unlawful punishments. However, under the doctrine of sovereign immunity enshrined in the Indian Constitution, no government official can be prosecuted, without the permission of the government, for an act "committed in the course of his duty". Moreover, the perpetrators of torture are confident of their safety because they know that doctors linked to the state can be relied upon to produce 'friendly' media reports. Thus, incidents of lynching and custodial deaths are frequent, and often glossed over by the authorities.

As for the prisoners of war, the Hague and Geneva Convention require that warring nation keep their prisoners of war in safe, sanitary camps. But the Kargil war told a different story altogether. The Pakistan army gouged out the eyes of the captured Indian soldiers, burnt them with cigarette butts, shattered their legs and spines, chopped off their noses, ears and genitals before finally shooting them.

The UN Convention Against Torture and Other Cruel Inhuman Degrading Treatment of Punishment (the convention Against Torture) was adopted by the UN

General Assembly in 1984. Around 114 states formally agreed to abide by the obligations set forth in the convention. It obliges the state to criminally punish those responsible for torture within its territory.

Torture is slow, painful death. Research has proved that the after-effects of torture are shockingly damaging. The degree of trauma undergone by the victims is so high that very often the psychological effects overshadow the physical ones. Worse still, not only the victim but also the family and friends of the victim are caught in the ordeal. Without treatment, individuals and families get stuck in the horrors of the past. The victims suffer from anxiety, nightmares, headaches, feeling of shame and altered personality, isolation, panic, depression, difficulty in concentrating, memory deficits, sexual problems and fatigue.

Among all the debates and happenings, the only real haven for torture victims is the International Rehabilitation Council for Torture Victims (IRCT). It is a non-profit organization founded in 1985 by the Rehabilitation Centre for Torture Victims, Copenhagen, and is assisting 200 treatment centers around the world. The IRCT has special consultative status with UN Economic and Social Council. It promotes the application of appropriate treatment and rehabilitation services for victims of torture and contributes to the prevention of torture globally. Through lobbying and general advocacy, it works to create awareness about torture and its effects and cooperates with international NGOs as well as multilateral, bilateral and private donors to secure adequate funding for rehabilitation centers and prevention activities worldwide.

The treatment of torture victims has now become a field of specialization. Today, there exists profound information on torture methods, effects of torture, how to diagnose and rehabilitate victims.

In India, IMA AKN Sinha Institute trains doctors in torture counseling. The IMA regularly organizes seminars for workers and journalists, and essay competitions for children to create awareness against torture and how to rehabilitate victims. The Sanjeevan, Rehabilitation Centre for Victims of Torture in New Delhi and the Centre for Care of Torture Victims in Calcutta are two well-known rehabilitation centers in India.

June 26 has been marked as the UN International Day in Support of Torture Victims. However, efforts are needed at the grassroots level to curb this malice. Individuals need to protest against the use of torture and governments ought to enshrine stricter laws and ensure their enforcement. Individuals and

nations ought to school themselves against torture, which, if not checked , is bound to go down to future generations in all the more heinous forms.

Psychologists say that those who torture others are not necessarily evil; nor do they have perverse sadistic traits, they are obedient, nurture a blind trust in authority and like to be good at their job. Mika Haritos-Fatouros, a professor of psychology at the Aristotle University of Thessaloniki in Greece, observed, “every single one of us could become a torturer.” He studied tortures – police interrogators, who worked under the military junta in Greece, police who have worked in Brazil – and said, “The good torturer sees his job as a vocation, and takes pride in it like everyone else.”

Each one of us placed in certain circumstance could end up using this cowardly but extremely powerful weapon. Conversions can be made; obedience to them has to be self-initiating.