



World Chronicle

UNITED NATIONS

PROGRAMME: No. 922 recorded 14 November 2003

GUEST: Theo van Boven
Special Rapporteur on Torture and other cruel, inhuman
or degrading treatment or punishment

JOURNALISTS: Philippe Boloignon, Radio France Internationale/RFI
Susannah Price, BBC

MODERATOR: Michael Littlejohns

"Investigating and Reporting on Torture"

Torture is probably as old as humanity itself. But can the United Nations do more to prevent it? What is the legacy of international efforts to pursue those responsible for torture in apartheid South Africa and Pinochet's Chile? Should the international community ensure that reparations are offered to victims of torture?

These are some of the questions explored in this edition of World Chronicle with the help of Theo van Boven, the UN Special Rapporteur on Torture and other forms of cruel, inhuman and degrading treatment.

WORLD CHRONICLE is produced by the News & Media Division, Department of Public Information, United Nations, New York, NY 10017, U.S.A.

Duration: 28:00"
Executive Producer: Michele Zaccheo
Director: Livingston Hinckley
Production Assistant: Lebe L. Besa

ANNOUNCER: From the United Nations in New York, an unedited interview programme on global issues. This is **World Chronicle**. And here is the host of today's **World Chronicle**.

LITTLEJOHNS: I am Michael Littlejohns and this is **World Chronicle**.

Torture is probably as old as humanity itself. But can the United Nations do more to prevent it? Should the international community make sure that torturers are punished -- and reparations offered to its victims?

These are some of the questions we'll be asking of today's guest: Theo van Boven, the UN Special Rapporteur on Torture and other forms of cruel, inhuman and degrading treatment. Joining us in the studio are Philippe Bolopion of Radio France Internationale / RFI, and Susannah Price of the BBC.

Mr. van Boven welcome to **World Chronicle**.

Professor van Boven let's repeat the questions asked in the introduction. Can the UN do more to prevent torture? Should the international community make sure that torturers are punished - reparations offered to the victims? There was a particularly egregious case where a leader of a country, namely Chile, Augusto Pinochet of Chile, was able to get away without being held accountable by a decision by the then Home Secretary, Ministry of the Interior in effect of the United Kingdom, Jack Straw, who is now the Foreign Secretary of that country, and he was happily sent back to Chile and was not held to account for his crimes. And I don't put crimes in quotes. What's your reaction?

VAN BOVEN: Well, I think already the case that he was accused of, as being responsible for torture in his country while he was a head of state, and that he was detained at least in perhaps somewhat luxurious conditions in United Kingdom, but he was there, the House of Lords and the judges were involved in that. So, he did not get easily away with it. And I think already that was in historical terms, a great deal of progress that a former head of state was formally accused for torture practices. And I think -- well, that he was finally sent away because of health reasons. I am not too happy about that because that confirmed a certain practice of impunity. But nevertheless I...

LITTLEJOHNS: ...well he seems he have survived pretty well despite his alleged ill health.

VAN BOVEN: Well, he went back as a very sick person, in ill-condition but when he came back, he sort of re-vigorated and coming back in Chile, but nevertheless I think the world opinion was sensitized about this and that also the highest authorities in countries can be kept held responsible. So I think this was -- had an enormous impact on international public opinion. The outcome was not too happy but....

LITTLEJOHNS: You're on a mission to Chile?

VAN BOVEN: Yes, well...you know the torture in Chile went after the coup d'etat in 1973. Torture in Chile made a great deal of impact on the whole campaign against torture. It was around that time that Amnesty International started a campaign against torture. And then for a long time in the United Nations, issues of torture were not discussed with the exception of South Africa probably. But issues of torture were not discussed. But after what happened in Chile, and the widespread concern about the Chile situation, that brought torture on the agenda of the United Nations. So it was publicly discussed in 1975, the first time a declaration against torture was adopted by the United Nations. And in fact, as you said, we had a fact finding mission to Chile in 1978 where the UN finally, although that fact finding group was already established in 1975, so things go slowly because we were only admitted, allowed to visit Chile three years later. So things go slowly in the UN, but this visit has been one of the most, I would say, sensational things in my life. We met also with the head of state at that time, Gen. Pinochet, and we made him very angry by saying that because he accused us of being communists, and we said, "none of us here in your office come from communist countries, we are not communists, but we come for the defense of Human Rights, and Human Rights here are being seriously violated".

BOLOPION: So now Mr. van Boven, the UN is actually discussing the question of torture, and this shows -- in your report there was something I found quite interesting; you said that there was a kind of erosion of the idea that torture was always unacceptable, and of course, I thought about the situation here in the U.S., words and debates since September 11, you can see on T.V. people discussing where they are..."it's okay to torture someone if it's going to avoid some terrorist acts". How is September 11, as you know played a role in that? And how did it change your mission?

VAN BOVEN: Well, It has made my mission more complicated. My work as... my mandate, because as you said, it is being argued also by scholars and perhaps also by responsible authorities, governments, that in exceptional situations, torture might be justified for the cause of higher political interests for instance in national security issues. Well, that in itself leads to an erosion of the absolute prohibition because, let me make it clear to you, that according to United Nations standards, and also international humanitarian standards, also in questions of armed conflicts, the prohibition of torture is an absolute one, is never justified. Now, if you create conditions or even arguments to say, "well, under special circumstances, perhaps torture is be", and what we are speaking about what is torture? You see that is also because we were refer also to inhuman and degrading treatment or punishment. And some governments argued, "No, we don't torture, but we applied some what is moderate physical

pressure or intense interrogation techniques". Now, also that falls under the absolute prohibition of torture, but when exceptions are made to this absolute prohibition then the exception tends to become the rule. And I remember also a statement by a non-governmental organization, the Asian Commission for Human Rights, in a statement and they argued, ". Well, we have seen in many countries what started as an exception, has become the rule in many countries".

BOLOPION: Are you concerned about what's happening in Guantanamo Bay where hundreds of people are held without lawyers, without anybody even able to visit them on a regular basis? I think an Australian lawyer alleged that some of the detainees in Guantanamo Bay were being tortured. Is it something that you're looking into?

VAN BOVEN: Yes, I received also allegations about the situation in Guantanamo Bay, also in Bagram Airbase in these centres. I received allegations, and we have a procedure of transmitting them to the authorities concerned. So I have been transmitting these allegations to the United States, and the United States has responded at least to the earlier ones, there are more recent ones also are coming from France. In fact, French lawyers have approached me about French citizens, nationals in fact, also detained in Guantanamo Bay. And I think the situation there is very troubling because first of all, there are no charges, no criminal charges made. The situation of detention seems to be an indeterminate one, so there is no...people will get much in despair. And also there are interrogation lessons, which are sometimes reported, of people being hooded, requesting people to stand for long, long hours or kneeling in uncomfortable positions, deprivation of sleep, deprivation of food. Now, all that together, there was also the European court and the European Commission ruled also on that type of situation in Northern Ireland. That's not only, say it happens far away in Guantanamo Bay or in Afghanistan, these things have happened and are still happening to a certain extent in all continents, all parts of the world. But I'm really concerned about these situations because you know after all when this is happening under the authority of a leading nation, of a nation that is known for its defence of human rights, and a pioneer, and then other nations will easily follow up, and so we get more and more an erosion of norms and standards.

PRICE: But how do you make nations prioritize torture? Presumably somewhere like the United States will say, "We have to put our own domestic security first, we have to bring out counter-terrorism measures". How seriously do you think the international community is taking torture? For example, how many ratified the Convention on Torture? And what can you do to punish countries that are found guilty of torture in carrying out such human rights violations?

VAN BOVEN: Well, this is a very crucial question. It is true that some 130 -140 countries have ratified the Convention against Torture. And they have to report to that committee that...I'm a rapporteur in effect, so there are different mechanisms working in the United Nations on the issue of torture. There is a treaty body that rules, that looks at the monitoring of that convention, they ask governments to report. I'm in fact dealing in a sort of a different way, I'm receiving from many non-governmental sources - allegations and complaints about torture, and in many instances I act on an urgent basis, within 24 hours. We have now - every year I send urgent appeals more than 300. So, it's nearly a daily business. But coming back to your real question, it is indeed a very difficult problem because, who are the torturers? Usually, they are also part of the governmental system. And there is very, very little readiness to investigate what officials belonging to the authorities have done? That is one of the main issues, which are very problematic. There is insufficient investigation, we press for that. But now of course, we have the International Criminal Court, and so, if national authorities failed to do their job, then the International Criminal Court, that has a complimentary responsibility, can take over, so that might be already a good, new opening to deal with the question of impunity because the question of impunity is one of the major problems. And that means also that the victims, those who are the perpetrators, when they are in fact, when their crimes are not being investigated that means also at the same time that the victims are sort of outside the scope of law, and their demands for reparation are not taken into account.

LITTLEJOHNS: This is World Chronicle. Our guest is Theo van Boven, the UN's Special Rapporteur on Torture and other forms of Cruel, inhuman and degrading treatment or punishment. Here's a report on how some victims of torture are being helped to recover from their private hell:

VIDEO ROLL IN (UNIA # 550 TRT: 3'01")

TORTURE SIMULATION (screaming sound)

NARRATION: These are dramatized scenes of torture prepared by the torture Rehabilitation Centre in Denmark. Although condemned by the UN in the 1948 Universal Declaration of Human Rights, this heinous crime continues. Member states have since passed a convention expressing universal horror to this practice.

Huseyin Duygu spent a year in a military prison where he was tortured systematically.

DUYGU (VO): They hit me where it hurt the most, my feet, and hands and teeth. They would do it for about four hours a day. And they threatened to kill my sisters and brothers. That was the psychological part, the isolation.

NARRATION: Torture victims often suffer from sleep disorders. They are haunted by recurring nightmares and flashbacks. Remembering friends who died from their suffering, some feel guilty about surviving. It's a private hell that continues long after the end of the torture.

DUYGU (VO): The biggest problem was that you couldn't talk about it to your own family. How could I tell my mother? And I started feeling more and more pain all over my body and started to have headaches and throw up...and pains in my feet.

NARRATION: For Huseyin, help came in Denmark at the Rehabilitation and Research Centre for Torture Victims. This agency receives assistance from the United Nations Voluntary Fund for the Victims of Torture to train health professionals in developing countries.

Confidentiality is vital in treating torture victims. Here, with the help of volunteers, the Centre demonstrates how victims are healed.

Physiotherapy helps soothe shattered limbs and rebuild battered bodies.

And a team of psychologists counsels victims, assisting them to resume normal lives.

Art is another form of treatment. Through the Centre's resident artist, Nestor Guerrero, himself a torture victim, patients discover a creative release from pain.

The memory of a prison cell is a lingering nightmare for many people who have been tortured. Even the sight of a policeman can inspire terror. In an effort to overcome this, social workers from the Torture Rehabilitation Centre organize visits to police stations as part of the treatment programme.

VIDEO ROLL OUT

LITTLEJOHNS: Professor van Boven, I presume that rehabilitation centres are not unique to Denmark. Would you like to see the UN play a more active role in expanding the idea of rehabilitation centres? Roughly, how many are there in other parts of the world? Do you know?

VAN BOVEN: I don't know exactly how many there are, I know the Copenhagen centre, and there are several in Latin America and in other parts of Europe. Not many as far as I know in Africa and Asia. What the UN is doing in fact is to support these centres through the Voluntary Fund for the Victims of Torture. I think that the UN can do more to encourage, and to stimulate also, the rehabilitation of torture victims. This is still largely a matter of private initiative.

BOLOPION: I guess your job is more to prevent torture. How do you think - how efficient can you be? I saw in your report that many countries still refuse to cooperate with your request; you named some of them: Algeria, Egypt, India, Indonesia, Israel, Russian Federation and you had an exchange even with the diplomat from the Russian Federation, saying to you

that, "Russia didn't have really to cooperate if you didn't come through". How can you really pressure these countries to answer your questions regarding torture?

VAN BOVEN: Well, the cooperation of countries is crucial and it is my firm opinion that we should stress also the duty to cooperate. After all the United Nations depends on the cooperation of all states, and also we have to...now the problem is that my mandate is not based on a treaty but my mandate as a rapporteur has been established under the authority of the United Nations Commission of Human Rights. But if we think that the United Nation's Commission on Human Rights is an important authority, and at the same time, if we know that torture is in terms of international law an imperative norm - the prohibition of torture - then I think we have to stress also the duty of states to cooperate. Now I can only visit countries with the consent of these countries, that is still a matter of sovereignty, and so we have to stress time and again and to mention publicly whether a state cooperates or not. So, in my reports, also I have an annual report of some four hundred pages covering some sixty to eighty countries, and there I mention country by country, whether they respond to my request or not. Unfortunately, I must say that the United Nations reports are not very well known in the world. Only when these things are being picked up in the countries themselves, then it becomes also a matter of domestic discussion – there is still a long way to go.

PRICE: So, given the problems you have in terms of access. How easy is it to get facts and statistics about how widespread torture is? The stereotype that you have is that it's dictatorships, it's military states. What kind of an over-all view do you have?

VAN BOVEN: Well, I have in fact only a limited capacity to investigate myself. I have one staff assistant, and in fact I can only go on missions twice or three times per year. And we have 190...

LITTLEJOHNS: Because of lack of funds do you mean?

VAN BOVEN: Yes, lack of funds - lack of capacity. I have only one assistant. I am also a university professor and do this in my spare time. So, there is lack of capacity. I am therefore dependent largely on information I receive from non-government resources. There are organizations like Amnesty International...

LITTLEJOHNS: Which can be suspect too I suppose?

VAN BOVEN: Yes, true, but I have to rely also on the credibility of that information that I receive, and that is sometimes contested by governments. I have to be careful. If sometimes 2% of my information is not correct, not accurate, they will also question the 98% that is true, which is accurate. But I rely largely on information I receive from a great number of non-governmental organizations, and I must say that these organizations... there is this "Organisation Mondiale Contre la Torture, World Organization Against Torture, that has a broad

network of national organization that inform them and I have to check it also, the reliability, to a certain extent, but at the same time Amnesty International, Human Rights Watch, and so on, are all important partners, Federation Internationale des Droits de l'Homme, and there are a good number of organizations that cooperate with me.

PRICE: And even the countries that aren't directly involve, there may be indirect involvement. You talked about the trade in instruments used for torture. How can that be controlled?

VAN BOVEN: That is still a new idea - how to get to grips with that. The European Union in fact has done some work on that. They have drafted a regulation, a council regulation in Europe, listing these types of instruments that are specifically produced to inflict torture and to control that of course within the legislative sphere of the European Union, there are more possibilities than in the world at large. This is still a new project, I am just starting on how to control production and trade of instruments. It was in fact launched for by a country for political reasons to embarrass the United States of America, but I still think that it is an important issue.

LITTLEJOHNS: Is the situation in South America, improving now that there are more democratic governments? You've mentioned the bad case of Chile before, but I supposed it's much better now. What about the other countries of Latin America?

VAN BOVEN: Well, I do receive also information from countries that have reached now a level of democracy like Argentina. There are still practices that give rise to concern, but sometimes these practices are not only related to military dictatorships but are sometimes deeply rooted in. And it is not only that torture is applied for political purposes as it was under certain repressive regimes, but it is often also applied to just criminals. There are prosecutors that want to get that information out of the people. And of course, you have also in countries like, Colombia; you have the problem of terrorism and also there is this torture and it's a large problem.

LITTLEJOHNS: Well the third degree of course is not unknown in the United States, and some other western democracies. Mr. van Boven, we're rapidly running out of time – thank you for being with us on this edition of **World Chronicle**.

Our guest is being the UN's Special Rapporteur on Torture and other forms of cruel, inhuman and degrading treatment or punishment, Theo van Boven. He was interviewed by Philippe Bolopion of Radio France Internationale, RFI and Susannah Price of the BBC.

I am Michael Littlejohns, thank you for joining us. We invite you to be with us for the next edition of **World Chronicle**.

ANNOUNCER: Electronic transcripts of this programme may be obtained free of charge by contacting World Chronicle at the address on this screen:

World Chronicle

United Nations, Room S-827

New York, N.Y., 10017.

Or by email at: besa@un.org

This programme is a Public Affairs Presentation from United Nations Television.

The views and opinions expressed on this programme are those of the participants, and do not necessarily reflect the official statements or views of the United Nations.