

**TORTURE**  
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## INTRODUCTION

Torture and violation of human rights are a practice in all over the World from the apparition of human beings; it is the repeated instrument of repression used for the political and military power especially in totalitarian regimes. Torture represents now a dramatic reality, a global phenomenon, sometimes unknown, sometimes ignored for the mass media. Although prohibited under international laws and condemned by a number of international conventions, torture is still a predominant and widespread occurrence in the world today. Torture and ill-treatment continue to be practiced in 155 countries, including countries that are parties to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

There are not precise figures about the number of victims of torture in the world, but the IRCT (International Rehabilitation Center for Torture's victim) supports a global network of more than 200 rehabilitation centres and programs for torture victims around the world that provide medical and psychosocial care to more than 100,000 victims each year. In this essay I will show arguments against torture, figures and dates that corroborate the existence of torture now, in the five continents and in 155 countries (more than two thirds).

## THE PROBLEM OF DEFINITION

The first problem we must face is the problem of definition, of clarification of the term because there are discrepancies. According to the Geneva Convention torture is *any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.* From this definition, it can be said that torture is the intentional infliction of severe mental or physical pain or

suffering by or with the consent of the state authorities for a specific purpose.

The Declaration of Tokyo defines torture as *the deliberate, systematic or wanton infliction of physical or mental suffering by person or people acting alone or on the orders of any authority to force one person to yield information, to make a confession or for any other reason.* We can observe in this declaration less political or governmental weight.

United Nations in 1995 defined torture as *any act inflicted on a person for such purposes as obtaining from him information or a confession, punishing him...* excluding three groups: a) torture perpetrated by unofficial rebels or terrorists b) random violence during war c) punishment allowed by national laws. This conception of the word has had many critics, between them Jaranson who thinks that this definition is narrow and he broads the concept, he thinks torture does not require the perpetrator be affiliated with a government or to act in an official way: He defines the term as a political act but also as part of domestic or ritualistic abuse as well as part of criminal or terrorist activities.

#### THE MORE IMPORTANT TREATIES

- The Geneve Convention (28-7-1951)
- The New York Convention (28-9-1954)
- The New York Protocol (31-1-1970)
- The UNCAT United Nations Convention Against Torture (3-6-1981)
- The Dublin Convention (15-6-1990)

#### METHODS AND OBJECTIVES

Some of the most common methods of physical torture include beating, electric shocks, stretching, submersion, suffocation, burns, ropes, machines, rape and sexual assault. It is important not to forget about psychological forms of ill-treatment which very often have the most long-lasting consequences for victims. Common methods of psychological torture include: isolation, threats, humiliation, mock executions, mock amputations, and witnessing the torture of others.

The aim of torture is to break down the victim's personality and is often used to punish, obtain information or a confession, take revenge on a person or create terror and fear within a population. Torture is distinguished from other forms of ill-treatment by the severe degree of suffering involved. It encompasses many forms of suffering, both physical and psychological, which are remarkably

similar worldwide. Most techniques seek to prolong the victims' pain and fear for as long as possible without leaving visible evidence.

People who torture, people who are in favour, they consider that any method is good to maintain the order, they agree with crimes and torture creates a feeling of shame and anxiety in the victims. However torturers and his supporters consider that torture is necessary to maintain the political, social and economical order and they provoke deliberately psychic, physical and social illness. Torturers argue that torture is one way of eliminating a true menace for public security.

But the big majority of people reject this idea. Torture is an inhuman, cruel, degradating and barbarian act against those who think differently which provokes serious illness and disorders and feeling of shame, blame and anxiety in tortured people.

#### TORTURE IN THE WORLD IN THE YEAR 2004

Huge challenges confronted the international human rights movement in 2004. The UN faced a crisis of legitimacy and credibility because of the US-led war on Iraq and the organization's inability to hold states to account for gross human rights violations, torture especially. Human rights continued to be flouted in the name of the "war on terror", resulting in thousands of women and men suffering unlawful detention, unfair trial and torture, often solely because of their ethnic or religious background. Around the world, more than a billion people's lives were ruined by extreme poverty and social injustice while governments continued to spend freely on arms. In 155 countries and territories in 2004, according to Amnesty International, torture has been practiced a in big or less way. Torture and violence against women, refugees, immigrants, people ethnically different, with other religion and so on. In a dangerous and divided world, it is more important than ever that the global human rights movement remains strong, relevant and vibrant and torture tends to disappear.

#### AFRICA

The human rights situation across the Africa region in 2004 was characterized by widespread armed conflict, repression of political opponents, persecution of human rights defenders, violence against women, and limited access to justice for the most marginalized in society. The result is that torture is practiced in the majority of the countries of the continent. Illicit trade in resources and arms, near total impunity for past and continuing human

rights abuses, and the failure of many governments to live up to professed standards of governance contributed to the denial of civil, political, economic, social and cultural rights particularly of the most vulnerable, women and children, refugees and the internally displaced, people living with HIV/AIDS, the poor and those who lack formal education.

Government forces and armed opposition groups frequently abuse and torture in conflicts such as those in Burundi, Central African Republic (CAR), Côte d'Ivoire, Democratic Republic of the Congo (DRC), Liberia, Sudan and Uganda. Among the abuses were the use and recruitment of child soldiers as combatants and sex slaves. In eastern DRC (Congo, one of the more violent countries in the world) and particularly the Ituri district, clashes between armed ethnic groups supported by outside powers including Rwanda and Uganda cost the lives of tens of thousands of people. Men, women and children were slaughtered, raped and mutilated indiscriminately, treated as mere pawns in the power play of those benefiting from the frequently illicit exploitation of resources that has fuelled years of conflict. Tens of thousands of people were internally displaced.

In June of 2004, the Liberian President Charles Taylor was indicted for war crimes and crimes against humanity by the Special Court for Sierra Leone, the first time such a measure had been taken against a serving head of state in Africa. He was forced to step down in August after increasing pressure from the international community and following an escalation in the conflict in Liberia. The conflict, particularly in early 2003, resulted in thousands of deaths and involved high levels of sexual violence against women and girls, and mass displacement of people within Liberia and to Côte d'Ivoire, Guinea and Sierra Leone. Charles Taylor was given refuge by the government of Nigeria which offered him implicit guarantees that he would not be prosecuted in Nigeria or surrendered to the Special Court (protection of criminals and torturers).

The departure of Charles Taylor from Liberia contributed to a stabilization of the conflict in neighbouring Côte d'Ivoire. However, the implementation of the power-sharing agreement for Côte d'Ivoire, agreed in January in Linas-Marcoussis, France, and endorsed by the UN Secretary-General, continued to face problems. No progress was made in the investigation of numerous reported human rights abuses by all parties to the conflict. Nigeria protects tortures and violates human rights inside its territory.

In Burundi, a new government including several parties to the conflict was formed in 2004, but torture has been practiced systematically by all parts and in Sudan new

security agreements were signed in September 2003 by the government and the armed opposition group, the Sudan People's Liberation Army (SPLA), but human rights are violated systematically. Thousands of civilians were killed in Burundi by government forces and armed groups, and in Sudan the conflict in the western province of Darfur claimed hundreds of lives and led to the displacement of hundreds of thousands of people.

In the CAR (Central African Republic) a coup in March involving armed groups from neighbouring DRC led to the intervention of Chadian soldiers and French logistical support troops. Numerous extrajudicial executions and widespread sexual violence were reportedly carried out by several parties involved in the coup. In Uganda, a government military initiative against the armed group, the Lord's Resistance Army (LRA), led to an intensification of the conflict in the north. The LRA continued to abduct children to abuse them as combatants and sex slaves, torturing systematically.

Widespread poverty, high illiteracy rates and large disparities in wealth remained major obstacles for many people in the Africa region to justice, education and adequate health care and living standards. Political rivalry including violent struggle for power and resources, as well as discrimination, led to the economic and political exclusion of large sections of the continent's population, including its youth. In spite of frequent declarations of goodwill and important regional initiatives for greater national and international investment, such as under the NEPAD (New Partnership for Africa's Development), most governments failed to live up to their promises, resulting in the spiralling deterioration of opportunities for the most marginalized and vulnerable to have access to the most basic level of livelihood. The Africa region continued to have the highest regional rate in the world of people living with HIV/AIDS and women are frequently and blatantly denied their civil, political, economic, social and cultural rights. This seriously affected the ability of women to enjoy their sexual and reproductive rights or to gain justice for abuses of their rights. Women faced widespread discrimination in law and administrative practice. For example, there continued to be different standards of evidence for sexual "offences" such as zina (involving consensual sexual relations above the age of consent), and culpable homicide was used as a charge in cases of abortion and miscarriage in some states, for example Nigeria. As a result, women, especially those from deprived economic backgrounds and with little formal education, were more likely than men to be convicted and sentenced to death or other cruel, inhuman and degrading punishments for some crimes. Female genital mutilation

continued to be widely practised in different forms in many countries, but only in a few have effective measures been taken at state level to eradicate the practice, despite growing campaigning by civil society to end its use.

Torture is practiced also in Burundi, Côte d'Ivoire, Uganda, Guinea, Cameroon, Gabón, South-Africa, Mozambique, Malawi, Zambia, Kenya, Uganda, Ruanda, Somalia, Swaziland, Zimbabwe, Eritrea, Chad, Senegal and especially Togo, a country in which torture is practiced in a systematic way and affects a lot of people (in the Centro Astali of Rome, more than 100 peoples has been treated).

The worldwide trend towards abolition of the death penalty was reflected in the Africa region, with several countries being abolitionist in law or practice. Opportunities for further progress emerged in 2004 through the work of sub-regional intergovernmental organizations such as the Economic Community of West African States (ECOWAS). However, many people remained in detention under threat of execution across the region. In Nigeria, *Sharia* (Islamic law) courts continued to hand down death sentences based on penal legislation passed since 1999, and in Zambia more than 40 people were sentenced to death for participation in an alleged coup attempt. In Chad, nine men were executed, the first time death sentences had been carried out in the country since 1991 ...

#### NORTH AFRICA AND MIDDLE EAST

The death toll in the armed conflicts of the region continued to rise in 2004 with the war on Iraq and the ongoing conflicts in Israel and the Occupied Territories and in Algeria. In these and other countries, including Morocco and Saudi Arabia, attacks by armed groups, often unidentified, escalated against civilian and government/military targets. Despite government promises of reform, torture and grave human rights violations continued across the region. While most governments have ratified major international human rights treaties, these standards were rarely incorporated into law and practice. The absence of basic safeguards facilitated patterns of arbitrary political arrest and detention, prolonged incommunicado detention, torture and ill-treatment. Minimum standards for fair trial were disregarded, resulting in the incarceration of prisoners of conscience, long-term political imprisonment and executions following unfair trials. There were few independent systems or mechanisms to carry out thorough and impartial investigations into human rights abuses, and alleged torturers or perpetrators were rarely brought to justice.

The US-led military intervention in Iraq from March 2003 marked the start of an occupation of the country by US,

United Kingdom (UK) and other forces under the Coalition Provisional Authority (CPA). In the months leading up to the war, AI called on the US and UK authorities as well as the UN Security Council to consider seriously the human rights and humanitarian impact of war on the people of Iraq, drawing attention to the needs of the civilian population. U.S. and U.K. practiced systematically torture in prisons, police stations and other centers. AI called on the occupying powers to abide by their obligations under international humanitarian law as a pattern of arbitrary and incommunicado detention, ill-treatment and excessive use of force by the occupying armed forces became more and more entrenched. As many had feared, the absence of basic security led to a sharp upturn in acts of violence by armed groups hitting military targets and, increasingly, international humanitarian operations.

Armed conflict continued in Israel and the Occupied Territories as the *intifada* (uprising by Palestinians) entered its fourth year in 2004 and the grim toll of killings, including of many children, continued to rise. Thousand of Palestinian people has been tortured (children between them) by Israelian police and agents.

The conflict in Algeria continued while the international community and media scrutiny focused on other conflicts in the region. Although there was some reduction in the number of casualties, hundreds of civilians were killed by armed groups, hundreds of members of security forces and state-armed militias were killed in attacks and ambushes, and hundreds of suspected members of armed groups were killed during security force operations.

The so-called "war on terror" continued to erode fundamental human rights in the region. Members of the League of Arab States continued to implement the Arab Convention on the Suppression of Terrorism which contained few human rights safeguards. This, as well as a range of bilateral security arrangements, facilitated torture in general, the transfer of individuals between states in and outside the region without judicial proceedings and legal counsel or recourse to asylum procedures. While some states, such as Egypt and Syria, had long-standing states of emergency in place, the "war on terror" was used as a pretext to legitimize existing practices, such as long-term administrative detention and unfair trials by special courts whose procedures fall far short of international standards. Other states, such as Morocco and Tunisia, introduced new "anti-terrorism" laws during the year, which posed a further threat to basic human rights. Women's rights were increasingly violated in Kuwait (they protested against their continuing exclusion from the electoral process), and in Bahrain. In Jordan, proposals to amend Article 340 of the Penal Code (which relates to family

killings) to make it more favourable to women were rejected by the Lower House of Parliament. The more frequently used Article 98, which allows for a reduced sentence for perpetrators whose crime was committed in a "fit of rage", remained on the statute books. In Iran, parliament's attempts to press for further reforms relating to the rights of women as well as the state's accession to the UN Women's Convention were repeatedly blocked by the Guardian Council, the highest legislative body in Iran. In Saudi Arabia women's rights are repeatedly violated.

Refugees and asylum-seekers continued to suffer from a lack of protection mechanisms across the region. Only Algeria, Egypt, Iran, Israel, Morocco and Yemen were party to the 1951 UN Refugee Convention or its 1967 Protocol. For North African countries, the African system for human rights protection remained widely under-used. Most countries in the region, even those that are party to the UN Refugee Convention, lacked national asylum legislation, which further diminished the protection accorded to asylum-seekers and refugees. Palestinian refugees continued to suffer from a lack of a protection mechanism in the areas of operation of the UN Relief and Works Agency for the Near East (UNRWA). In Lebanon the livelihood of hundreds of thousands of Palestinian refugees was undermined by policies discriminating against them and effectively restricting their economic and social rights.

People-smuggling from North Africa to southern Europe and from the Horn of Africa to Yemen remained a concern. Restrictive immigration policies in many countries meant that for migrants and asylum-seekers alike there was no option but to use criminal groups of people-smugglers. Boat accidents continued and numerous would-be immigrants and asylum-seekers died at sea. The politics in some European countries make easier the violation of the more elemental human rights and the apparition of some kind of torture against this people.

#### ASIA AND THE PACIFIC

The war on Iraq and issues of national security dominated much of the political debate in the Asia-Pacific region during 2004, and several governments used the "war on terror" to curtail human rights and practice torture. Poverty and discrimination continued to dominate the lives of millions of people, adversely affecting in particular women and indigenous people. Human rights protection remained inadequate across the region and in some countries human rights violations increased in 2003 and 2004 as a result of renewed or ongoing armed conflicts.

Security firmly established itself as the prime concern of most governments in the region, often informed by a US-

led approach. The belief of several governments that human rights could be curtailed under the "war on terror" umbrella was particularly apparent in China, India, Malaysia, Pakistan and Thailand, countries in which some kinds of torture are practiced. Hundreds of people suspected of "terrorism" found themselves condemned to legal black holes as the authorities ignored national and international legal frameworks. In Pakistan, more than 500 people, including Arabs and Afghans, were arbitrarily arrested and handed over to the US authorities on suspicion of membership of *Al-Qaeda* and the *Taliban* in violation of Pakistan's Extradition Act of 1974. Others were believed to be held at undisclosed locations in Pakistan, but the authorities refused to provide any information about them. In Gujarat, India, hundreds of members of the Muslim community were held in illegal detention against a background of investigations into a range of conspiracies against the state. Hundred of them are tortured by the police. In China, thousands of members of the predominantly Muslim Uighur community were detained or imprisoned as "separatists, terrorists and religious extremists". Protests by half a million people in Hong Kong in July prompted the authorities to withdraw controversial proposals prohibiting acts of treason, secession, sedition and subversion.

The dominant reality for the most vulnerable, including women and indigenous people, continued to be widespread poverty and discrimination. Organizations of farmers and others defending the rights of poor rural populations expressed alarm at the impact on human rights of the failure to reach agreement on tariff barriers and agricultural subsidies at the World Trade Organization summit in Cancun, Mexico, in September 2003. Under the pressure of economic hardship in the countryside, more and more people migrated to nearby cities or other countries in the region. Among them were many women looking for work in garment and export assembly plants where they could earn higher wages than in their villages. They were exposed to widespread abuse, including poor working conditions and sexual violence at work. In China, the Maldives, Myanmar and Viet Nam, many prisoners of conscience remained in jail for the peaceful expression of their political beliefs. In China and Viet Nam in particular, there were crack-downs on people using the Internet to download or circulate information on human rights and democracy.

Armed conflict continued to ravage parts of the region. The eight -year conflict in Nepal resumed after a six-month cease-fire collapsed in August 2003. Both sides to the conflict missed an opportunity to strengthen human rights protection when the National Human Rights Commission presented them with a draft Human Rights Accord in May.

Although both sides agreed in principle to the Accord, neither had signed up to it by the time the cease-fire collapsed, and efforts by civil society and the international community to put in place an effective framework for human rights protection remained unsuccessful. In the meantime, there were fears that the continued delivery of weapons from India, the United Kingdom, Belgium, Israel and the USA to the Royal Nepal Army would contribute to an escalation of the conflict.

In Indonesia was imposed a military state of emergency in May 2003 and after it there were allegations of grave human rights violations, including extrajudicial executions, "disappearances", arbitrary detention and torture. Verification of such reports was virtually impossible because the province was effectively closed to independent human rights monitors, humanitarian workers and journalists.

In Laos a decades-old internal armed conflict largely forgotten by the international community was highlighted during the year by reports from journalists. This apparently led to an intensification of military operations by government forces and reports of scores of civilian deaths.

In Afghanistan, there were concerns about the lack of commitment of resources by the international community to the reconstruction of the country, particularly after the focus shifted to Iraq. Five years of conflict and lawlessness ended in the Solomon Islands when the government invited an Australian-led regional intervention force to restore law and order and to rebuild public services, including police posts, prisons and courts. From July 2003, around 2,500 South Pacific troops and police worked with local police officers to arrest more than 400 key suspects, including senior police and rebel commanders, many for crimes relating to serious abuses of human rights. Intervention forces uncovered graves of torture victims and secured the evidence, and ensured the safe return of internally displaced people. There are evidences that torture is also practiced in Myanmar, Pakistan, Bangla Desh, Cambodia, Philippines, Singapore, North Korea and South Korea.

Against a background of massive political, economic and security challenges, the legal framework for the protection of human rights remained very weak. Asia continued to be the only region without a regional human rights mechanism and governments remained reluctant to ratify key international human rights instruments. For instance, Asia remained the region with the lowest ratification rate for the International Covenant on Civil and Political Rights. The fact that 18 countries in the region were known to have signed immunity agreements with the USA that they would not

surrender US nationals accused of genocide, indiscriminately torture, crimes against humanity or war crimes to the International Criminal Court was also an indication of the lack of commitment to combat impunity. Weak and corrupt criminal justice systems in countries such as Bangladesh, Cambodia and Indonesia continued to impact negatively on human rights. Torture, "disappearances" and extrajudicial executions continued to be widespread across the region.

As in previous years, respect for the right to life was lacking in the majority of Asia-Pacific countries. The region bucked the worldwide trend towards abolition of the death penalty. More people were executed in 2003 in the region than in the rest of the world combined, thanks largely, but not exclusively, to China and Singapore. There was a sharp increase in death sentences and executions in Viet Nam. Singapore was believed to have carried out the highest number of executions per capita in the world since 1994.

Child offenders in three countries were known to be at risk of execution. In Pakistan, children continued to be sentenced to death, especially in tribal areas, reflecting the government's failure to implement nationally the laws that forbid the imposition of the death penalty on children in most areas of the country. However, no children were executed during the year. In China, it was reported that a young man was executed in January for a murder committed when he was 16 years old. China's criminal law forbids the execution of minors. In the Philippines, at least seven children held in adult facilities remained under sentence of death.

US-led forces continued military operations in parts of Afghanistan and persisted with arbitrary arrests, detentions and torture. There were grave concerns about detention conditions at the US airbase at Bagram in Afghanistan where approximately 100 detainees were believed to be held outside any legal framework. In 2003 and 2004 US military officials reportedly confirmed reports that "homicide" was the cause of death of two detainees in Bagram in December 2002. The Pentagon opened investigations into their deaths, but the results of these were not made public. Bombings by the US-led coalition forces continued to cause civilian casualties, including two incidents in December 2003 that resulted in the deaths of 15 children.

In Australia some organizations have denounced violation in human rights and torture in people who ask for political asylum. Through anti-terrorist laws some citizens are sent to Guantanamo without charges, for example in 2003 and in 2004 David Hicks and M. Habibo.

## AMERICA

Despite the commitments made by governments at the Organization of American States (OAS) Special Conference on Hemispheric Security in October and other forums, human rights in the region continued to be sacrificed in the name of "security". Most governments interpreted the concept of security narrowly, failing to address effectively the threat to human security posed by hunger, poverty, disease, environmental degradation and other such factors.

The US-led "war on terror" continued to be waged using indiscriminate and disproportionate means. Hundreds of foreign nationals remained in prolonged indefinite detention without charge or trial in US custody outside the US mainland. Most of those detained as so-called "enemy combatants" were held without any form of judicial process; for a handful, the only way out of their legal black hole appeared to be through grossly unfair trials before military commissions. Authoritative worldwide opinion condemned the blatant disregard for international and US constitutional standards by the USA. Many of the measures taken by the US authorities in the wake of the 11 September 2001 attacks undermined the fabric of international law. Other aspects of US security policy, including the threat in July to cut off military aid to 35 countries for refusing to guarantee US nationals immunity before the International Criminal Court, threatened to have a similarly corrosive effect on the international rule of law.

The security policies pursued by the Colombian government since 2002 continued to exacerbate the already severe human rights and humanitarian crises, during which thousands of civilians have been killed, have "disappeared", tortured or been kidnapped by the armed forces, army-backed paramilitaries or armed opposition groups. New security measures sidestepped constitutional guarantees and granted broad powers to the military to deal with public order issues. Initiatives such as the creation of an army of "peasant soldiers" and a civilian informers' network risked dragging civilians further into the conflict.

"Anti-terrorism" legislation adopted in Guyana and proposed in the Bahamas extended the scope of the death penalty and included dangerously broad definitions of "terrorism". In March, the Cuban authorities detained scores of dissidents accused of conspiring with the USA and seeking to subvert the Cuban system; prior to this, the USA had named Cuba on a list of seven states accused of "sponsoring terrorism" and some US officials had accused Cuba of researching biological weapons and providing technology to "other rogue states". Seventy-five activists

were tried unfairly and sentenced to up to 28 years in prison. The Cuban government sought to justify its unprecedented crack-down as a necessary response to the threat to its national security posed by the USA.

Haiti, the poorest country in the continent, has violated human rights and practice torture for dozens of years. In Mexico, a human rights' study shows that torture, especially against women is practiced. Efforts across the region to combat impunity for gross human rights violations committed in previous decades gained momentum in 2004. In Argentina, some of the legal barriers to the investigation and prosecution of "disappearances" and other human rights violations were lifted and former high-ranking members of the military faced charges at home and abroad. In Chile, plans for dealing with the legacy of human rights violations under military rule were announced, including the transfer of ongoing cases from military to civilian courts, although the proposals included granting immunity to certain perpetrators of abuses. In Mexico, the Special Prosecutor investigating abuses during the "dirty war" in the 1970s and 1980s issued at least three arrest warrants for officers implicated in "disappearances". A Paraguayan court ordered the arrest of former President Alfredo Stroessner in connection with a case of torture and killing in 1974, and a law was passed creating a Truth and Justice Commission to examine human rights violations under the Stroessner government. The Peruvian Truth and Reconciliation Commission called for justice and reparation for families of the thousands of victims of killings and "disappearances" between 1980 and 2000 by the armed forces and armed opposition groups. In Uruguay, the Peace Commission's report on "disappearances" under military rule concluded that 26 "disappeared" Uruguayans had died under torture. Killings under military rule in Surinam were also under investigation, both by the Surinamese courts and before the Inter-American Court of Human Rights.

Less progress was made, however, in tackling the legacy of more recent conflicts in Central America. El Salvador's National Assembly failed to support ongoing efforts by relatives and non-governmental organizations to uncover the fate of children who "disappeared" during the 1980-1991 conflict. In Guatemala, witnesses and human rights defenders attempting to bring to justice those responsible for the widespread abuses during the 30-year civil conflict were among the main targets of threats, attacks and killings (200.000 people dead). The recommendations of the Historical Clarification Commission, which concluded in 1999 that genocide had been committed, had still not been implemented, and General Ríos Montt, Head of State at the height of the genocide, was allowed to run for President in the November elections (with the support of U.S.), despite

being constitutionally barred. Corruption, parallel power structures and the failure to assert effective civilian control over the military remained serious threats to human rights and the rule of law in Guatemala and elsewhere in the region. Military and police jurisdiction over human rights cases also remained an obstacle to justice in Colombia, the Dominican Republic, Ecuador and Mexico.

Against this backdrop, crime and social insecurity reached alarming proportions. Both rural and urban society remained riven by social exclusion and discrimination based on factors such as class, race and gender. In many countries, the insecurity generated by high levels of crime and deepening inequality resulted in increased tolerance of repressive policing by both governments and the public at large. In Brazil, entire communities of the urban poor appeared to be targeted by police as scapegoats for the failure of broader public security policies. Torture and ill-treatment by police and prison officers remained endemic in Brazil, and a frequent tool of law enforcement in numerous countries across the region. In Jamaica, where levels of armed violence were extremely high, police brutality and unlawful killings were commonplace.

The death penalty continued to be imposed in the USA and Caribbean, and the USA stood in shameful isolation by executing child offenders. The impunity surrounding the murder and abduction of hundreds of women and girls in the state of Chihuahua, Mexico, highlighted the obstacles to justice faced by women at risk of violence in the community and home. Similar gender-based killings were reported in other parts of Mexico and Central America.

U.S has 500 prisoners of 35 countries in Guantanamo Bay (under conditions of torture) from 2001. Two prisoners are less than 16 years old. More than 200 prisoners are obliged to eat by force (through the nose with tubes), with aggressions. In the inner of the country some objectors of conscience have been tortured (for example Kevin Benderman). In recent years 14 people are dead and 7.000 (many of them was less than 16 years old) are injured with taser (Thomas A. Swift's Electronic Rifle) an electroshock weapon used by the Army and the police. Some innocent people hope death penalty after unfair trials as Mumia Abu Jahmal (22 years in prison and five times at the death corridor) and Michael Yarris (22 years in prison and released in January 2004). From 1973 seven men have been executed in Pennsylvania despite their innocence, Delma Banks after 20 years in Texas, Jerry F. Townsend, a mentally retarded, etc.

## EUROPE AND CENTRAL ASIA

Governments across Europe and Central Asia continued to use the so-called "war on terror" to undermine human rights in the name of security. Among the steps taken by governments were regressive moves on "anti-terrorist" legislation, attacks on refugee protection, and restrictions on freedom of association and expression. Simplistic rhetoric about security, immigration and asylum, together with an upsurge in populism, bolstered racism and discriminatory practices towards minorities across the region. The lack of political will shown by the European Union (EU) to confront human rights violations within its own borders was increasingly disturbing, particularly in light of the planned accession of 10 new member states in 2004. Those responsible for violations, including torture or ill-treatment, continued to enjoy impunity.

Under the auspices of combating "terrorism" governments continued to undermine human rights in law and practice. In 2004 14 foreign nationals who could not be deported remained interned in the United Kingdom (UK) under legislation that allowed for indefinite detention without charge or trial, principally on the basis of secret evidence. Those detained in the UK under "anti-terrorism" legislation were held in high-security facilities under severely restricted regimes.

Spain continued to ignore long-standing recommendations by various international bodies to introduce greater safeguards for suspects held under "anti-terrorist" legislation, and indeed planned to more than double the time in which certain people could be held incommunicado. A judge also closed the only entirely Basque-language newspaper and 10 people associated with it were held under "anti-terrorist" legislation in moves that appeared to be injurious to the right to freedom of expression. There are evidences that in recent years some prisoners have suffered psychological torture, police use plastic bags and electric shocks, incomunicados, deny acces to doctors and rape of suspected terrorist women in Basque Country.

The authorities in Uzbekistan used the "war on terror" to justify a continuing clampdown on religious and political dissent. At least 6,000 political prisoners remained in jail there and members of independent Islamic congregations were among those who faced detention and intimidation. In Turkmenistan, a wave of repression continued, following an alleged assassination attempt in November 2002 on the President, with scores of people convicted after blatantly unfair trials amid credible allegations of torture and ill-treatment. This practice is also found in Kazahjstan.

Government efforts to limit asylum provisions and immigration benefited from the new language of "national security" and "counter-terrorism", with an emphasis on control rather than protection. In Italy, for example, there were fears that some asylum-seekers were forced to return to countries where they risked grave human rights violations (racism, discrimination and intolerance, including anti-Semitism and Islamophobia) and that some individuals, expelled on grounds that they posed a danger to national security and public order, had no opportunity to challenge the decision in fair proceedings.

Racist application of citizenship laws in the Russian Federation meant that certain ethnic minority groups (including members of the Meskhetian population in one region) suffer bad treatment and remained effectively stateless, and as such were denied access to pensions, child benefits and higher education. Reports of race-related ill-treatment by law enforcement officials came from a distressingly wide range of states, including Belgium, Bulgaria, France, Greece, Italy, Poland, the Russian Federation, Slovakia, Slovenia and Spain. There was also a lack of due diligence by some states in investigating and prosecuting assaults by private actors on minorities, ethnic as well as religious. In Georgia, for example, religious minorities continued to face harassment, intimidation and violent attacks, while the police failed to provide adequate protection for those targeted or show vigour in prosecuting those allegedly responsible.

Torture and ill-treatment were reported from across the region, including in Albania, Moldova, Romania and Serbia and Montenegro, where reports of such treatment were common and credible. In Turkey, torture and ill-treatment in police detention remained a matter of grave concern, despite some positive legislative reforms. In Germany, an intense public debate on the permissible use of torture occurred after it emerged that a senior police officer had ordered a subordinate to use force against a criminal suspect. Some states, such as Belgium, Italy and Switzerland, lacked fundamental safeguards against ill-treatment in police custody. In other states, such as Greece, Macedonia, Portugal and Spain, there were reports of reckless or excessive use of firearms, sometimes resulting in deaths. In several countries, conditions in prisons as well as in detention facilities holding asylum-seekers and unauthorized immigrants, were cruel and degrading. In some states, people with mental disabilities were treated inhumanely - in social care homes in Bulgaria, and through the use of cage beds in the Czech Republic, Hungary, Slovakia and Belarus. Many states lacked independent scrutiny mechanisms to address such violations, a problem compounded by the continued failure to accept

accountability at EU level for human rights observance by member states. In some states impunity for human rights violations continued. In Turkey, the ratio of prosecutions of members of the security forces to complaints of torture and ill-treatment filed by members of the public continued to be pitifully low. Russian Federation security forces continued to act with virtual impunity in the conflict in the Chechen Republic, amid ongoing reports of their involvement in torture and "disappearances". Continued impunity for wartime violations remained a concern in the western Balkans. Although some people suspected of war crimes were transferred to the custody of the International Criminal Tribunal for the former Yugoslavia, others continued to evade arrest, some apparently protected by authorities in Bosnia-Herzegovina, Croatia and Serbia and Montenegro. In Belarus, Turkmenistan Uzbekistan, Azerbaijan, Turkey, Belarus dissent from official policies in civic, religious and political life was systematically and often brutally repressed. Italy, Greece and Switzerland, police were reported to have used excessive force against demonstrators.

In recent years Tajikistan and the two other retentionist states in the region, Belarus and Uzbekistan, have continued to carry out executions. The level of executions was believed to be particularly high in Uzbekistan, where scores of people have been executed in recent years after unfair trials, frequently amid allegations of torture, and with corruption an integral part of the investigation, trial and appeal in such cases. In Belarus, Tajikistan and Uzbekistan, the clemency process and executions themselves were shrouded in secrecy, compounding the punishment inflicted not only on the prisoners but also on their families. Executions took place in secret, with family members and friends denied the chance to say goodbye; in many cases families were not told for months whether their relative was alive or had been executed. They were also not told where their loved one was buried. None of these three countries published comprehensive statistics on their use of the death penalty.

#### WHO IS INVOLVED IN TORTURE

Those most likely to be involved in torture and other forms of ill-treatment are the police, the military, paramilitary forces, state-controlled forces, contra-guerrilla forces, prison officers, death squads, any government official, health professionals and people acting with the approval or on the orders of public officials. All of this are in favour, they consider that any method is good to maintain the order, they agree with crimes and

torture creates a feeling of shame and anxiety in the victims. However torturers and his supporters consider that torture is necessary to maintain the political, social and economical order and they provoke deliberately psychic, physical and social illness. Torturers argue that torture is one way of eliminating a true menace for public security.

Anyone can be a victim of torture, children as well adults, young or old, religious or atheist, intellectual or not. Nobody should be considered immune, although being a member of a particular political, religious, or ethnic group or minority can very often be determining. Frequent victims are politicians, union leaders, journalists, health professionals, human rights defenders, people in detention or prison, members of ethnic minorities, and student leaders. Victims of torture do not suffer alone. In many cases, the victims' families and friends are also affected. The broader society may also be indirectly affected. The use of torture sends a strong warning to those within a political, social, or religious opposition.

#### EFFECTS AND TREATMENT FOR THE TORTURED PEOPLE

The consequences of torture reach far beyond immediate pain. Many victims suffer from post-traumatic stress disorder (PTSD), which includes symptoms such as flashbacks (or intrusive thoughts), severe anxiety, insomnia, nightmares, depression, tendency to commit suicide and memory lapses.

Torture victims often feel guilt and shame, triggered by the humiliation they have endured. Many feel that they have betrayed themselves or their friends and family. All such symptoms are normal human responses to abnormal and inhuman treatment.

One of the more complicated aspects is the treatment for tortured people. According to some specialised psychiatrists there are nine important aspects to consider:

- a) Create an adequate and sure ambient.
- b) Maintain a relationship of help based in confidence.
- c) Know listening, be able to listen.
- d) To get the more possible information.
- e) Rely on, support, help, encourage.
- f) Promote the self-sufficiency.
- g) Know and appreciate problems.
- h) Elaborate an action's plane to improve personal situation of tortured people.
- i) Monitoring.

## SOME GROUPS AND ASSOCIATIONS RELATED TO TORTURE

- IRCT (International Rehabilitation Center for Torture's victim)
- OMCT (Organisation Mondial Contre la Torture)
- ACLU (American Civil Liberties Union)
- APT (Association for Prevention of Torture)
- SEMIFO (Servizio Migranti Forzati)
- Human Right Watch
- Centro Primo Levi
- HIJOS
- EXIL
- ACAT (Acció dels Cristians per l'abolició de la Tortura)
- Alerta Solidaria

## CONCLUSION

The human rights are violated and torture exists in 155 countries and territories in 2004. There are reports on nearly all the areas of the world in which we can observe the existence of torture against all kind of people in all kind of countries.

Torture is a repeated practice in two third of the countries of the world: In some countries with repressive regimes, torture has not only occurred but has also been prevalent and systematic because these regimes rely on torture in the constant oppression of their populations. On the other side, in developed countries with a tradition without torture, in recent years, the fight against terrorism, the "war on terror", has created an environment in which governments justify the use of torture even though its prohibition is absolute. Today there is an alarming trend for principles of international humanitarian and human rights law to be undermined in the name of the war against terrorism. Torture is a degradating practice (degradating especially to victims, but also to executioners) that have to disappear.

I have attempted to show that torture is a practice in all kind of countries and can affect all kind of people, it involves many forms of suffering, both physical and psychological, with different techniques which seek to prolong the victims' pain and fear for as long as possible without leaving visible evidence. It is important not forget about physical and psychological forms of ill-treatment which very often have the most long-lasting consequences for victims. It is important to see the dates and not forget: Tomorrow each of us could be a new victim of torture.

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