Detention, rights, and torture

Elizabeth Stanley describes the inhumane and widespread use of torture techniques in the 'war on terror'.

Torturous experiences are incorporated into the everyday nature of many domestic detention practices. Most modern states have built burgeoning detention facilities (prisons/ immigration detention centres/police cells/mental health institutions) that engage in inhuman or degrading treatment as a matter of course. Overcrowding, poor infrastructure, unsanitary conditions, untrained staff, the use of solitary confinement or strip-searching, or inadequate detainee access to legal support, health services, education, or useful work opportunities combine to create situations in which detainees endure stress, high levels of violence, ill-health, depression, self-harm, and suicide (Cassese, 1996). These harms are most likely to be experienced by poorer sections of societies – the dominant population within detention facilities – but they will also be differentially experienced by those made most vulnerable by detention such as women, children, older people, those with disabilities, those suffering mental health problems, ethnic minorities, or foreigners.

These common realities of detention are, certainly, assaults on human dignity. The acceptance and continuation of such inhumane treatments also indicate the devalued social standing of those who are detained. When the lives of detainees are deemed not to matter, when they are subject to dehumanising conditions on an everyday basis, other violations – including the direct use of torture – are never too far away.

Legitimising and hiding torture

Torture and inhumane acts do not revolve around aberrational individuals; rather they emerge within societies and, more particularly, institutions that are sustained by discourses of fear, security, and control. For instance, in the current 'war on terror', torture has been cast by numerous politicians and commentators as an 'appropriate' and 'civilised' response, given the circumstances. Suspected 'terrorists' are vilified and 'monstered', so much so that their rights to either due process or humane treatment are frequently disregarded in advance of their arrest and detention. They are placed outside State protection from the outset. This stance replicates torture's historical use – in the past, those who have been deemed 'torturable' have also been represented as threatening, poisonous, or dangerous to ruling powers (Stanley, 2008).

The ideological denigration of detainees ensures that torture finds acceptance, and sometimes enthusiasm, among criminal justice or security workers; physical and psychological violence can be seen as a 'necessary evil'. The abuses at

Wormwood Scrubs prison in the United Kingdom, the 'Behaviour Management Regime' in New Zealand prisons, or the treatment of asylum seekers at Woomera in Australia – not to mention the regimes at Supermax prisons in the United States – could not occur without the complicity of numerous workers (including politicians, policy makers, legal personnel, guards, or medical staff). Through such incorporation of personnel, the violation of individual detainees is subsumed within a legitimised, often lawful, institutional agenda.

The ready incorporation of modern control technologies within detention facilities has also provided new ways for acceptable torture and ill treatment to emerge. Trades in stun devices, leg shackles, electroshock weapons, or chemical gases have blossomed in many jurisdictions. While not completely necessary for torture to occur – in that torturers will often just use their bodies or everyday objects for violence – these technologies have added to the arsenal of 'stealth' methods in interrogation, discipline, and punishment.

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'Stealth' techniques – such as forced standing; electric shocks; torture by water, ice, heat, or cold; or psychological pressures – are employed to hide evidence and to break or isolate detainees. These techniques have been highlighted in the US-led treatment of prisoners across a range of sites in Iraq, Afghanistan, Cuba, and elsewhere. Despite this recent use, these methods are not, however, necessarily innovative. For instance, the forced standing and hooding of detainees can be linked back to methods undertaken by the British Army, the French Legionnaires, and

the US police in the early twentieth century (Rejali, 2004). In 1956, the CIA noted the painful physiological effects of forced standing – that ankles and feet will swell to twice their normal size in 24 hours, that blisters will develop, the heart rate increases dramatically, and kidneys cease to function (ibid.). The historical popularity of such methods rests on the fact that they leave few, if any, physical marks. By ensuring that victims are less able to provide physical evidence of their violations, these techniques are useful additions for states that wish to counter monitoring, or want to appear compliant to human rights norms and laws.

The after-effects of torture and other violations

Stealth techniques can ensure that torture remains hidden. Yet, violations can also be obscured by their overt or everyday nature. For example, the US-led 'disappearance' and torture of 'terrorists' through the extraordinary rendition programme was made possible through its open quality: victims were arrested in public; the planes and their journeys were clearly recorded; they were 'hiding in plain sight' (Paglen and Thompson, 2006:15). These 'disappearances' continued for so long perhaps because people did not want to look.

Even the dramatic exposure of torture practices does not automatically raise support for victims. Many audiences disbelieve or distance themselves from testimonies of ill treatment and do not want to associate with victims, perhaps because they view their abject status as being contagious or transferable. For instance, consider the photographs that emerged from Abu Ghraib prison in Iraq. These images, in many ways, encouraged isolationism by distancing viewers from the debased tortured subject – the humanity of victims and the richness of their ordinary lives (for example, as workers, brothers, artists, or parents) was erased (Davis, 2005). This isolation was further compounded by the fact that few

reports highlighted victims' perspectives; rather, the identification was largely with the perpetrators – viewed, for example, in the websites that allowed individuals to post photographs of themselves in poses similar to those taken by torturers.

Moreover, the demonisation of those subject to torture or degrading treatment invokes beliefs that victims are complicit in, or deserving of, their violation. It is fairly common for victims to be met with societal suspicion or threats (consider the effigies of men in orange jumpsuits hung from British lamp posts following the release of Guantanamo Bay detainees or the familiar refrain that abused prisoners in domestic prisons 'get what they deserve').

It is also common for victims to find that they have little, often no, route to redress or accountability – principally because torturing institutions or states are equipped to legally repress any protest or do not have appropriate, open systems of monitoring/complaint, or because victims cannot pursue their claims due to their limited finances or knowledge. For these reasons, many violations are enveloped in silence, and victims rarely encounter an official acknowledgement of their predicament, legal or social sanctioning of their perpetrators, or compensation (Stanley, 2004). This lack of redress can consolidate the harm of violation for victims, long after the direct violence has ended.

Torture creates short- and long-term problems not just for those directly affected but for their families, friends, and communities. In the aftermath of violations, victims endure unique medical and psychological effects however these interlink with other repercussions, including: family breakdown; the collapse of trust between community groups; dislocation and exile; increased drug or alcohol use; a rise in self-destructive behaviour, self-harm, and suicides; the loss of schooling; or problems in accessing work or appropriate health care (Stanley, 2008). More often than not, torture rips apart social and personal relations. Further, it can lead to long-

term conflict and unrest, for, as identified in places like South Africa or Timor-Leste, torture regularly leads to strong opposition to the state, its ideologies and institutions.

For all of these reasons, torture continues to evoke solidarity and resistance. While small steps have been made by human rights campaigners in shaming torturing states, and by international lawyers in bringing torturers to courtrooms, the long-term issue is one of prevention. The new Optional Protocol to the Convention against Torture – which will increase international monitoring of detention sites – is a good step forward, although at the time of writing, only 34 States were party to the Protocol. There is, then, much more to be done (from changing how we think and talk about detainees, to human rights training for detention officers, to support for thorough and unrestricted inspections) to improve our institutions and to ensure that those detained are treated with dignity and respect. ∎

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