

# Why Does Torture Remain So Prevalent Today?

What The Center for Victims of Torture Has  
Witnessed Over Thirty Years



The CENTER for  
VICTIMS of TORTURE

IT STARTS  
WITH HOPE  
30 YEARS



Over the course of thirty years, the Center for Victims of Torture™ (CVT) has become an international leader in torture survivor rehabilitation and the fight for a torture-free world. We have reached over 30,000 survivors, with our healing centers in the United States, Middle East, and Africa. We led the charge on the Campaign to Ban Torture and the push to publicly release the CIA Torture Report. We have provided training and assistance to torture survivor rehabilitation centers in the United States and around the globe. In thirty years, the demographics of our clients have changed, the brutality of repressive governments and armed groups has increasingly shocked us, and the number of people seeking CVT's services has grown. However, the stories of rehabilitation, healing, and hope from CVT's clients continue to inspire us every day.

**Halimah** fled her home country after being tortured, shot at, raped, and held by rebels for six months. Desperate for a new life, she made her way to Nairobi. When she finally found CVT, she was in pain with a broken bone and a torn muscle. She found life meaningless. "Halimah covered her face because she was fearful and didn't have any confidence," Jepkemoi Kibet, CVT's physical therapist/trainer in Nairobi. Halimah joined a women's counseling group and started healing emotionally and psychologically. But when she joined one of the new physical therapy groups, her physical healing and transformation began. "Now, she no longer covers her face. She smiles, and she can walk without pain," said Jepkemoi. "She was in the depth of despair, and today she is the very embodiment of the strength of the human spirit."<sup>i</sup>

Halimah's inspiring story of rehabilitation and healing, and thousands like her, continue to drive CVT's work thirty years after its founding. In 1983, as a law school student and volunteer for Amnesty International, Rudy Perpich Jr. asked his father, the late Minnesota Governor Rudy Perpich, "What are you doing for international human rights?" In response, Governor Perpich created a task force with a mandate to discover how Minnesota could fill gaps in international human rights work. Inspired by Governor Perpich's visit to the Copenhagen International Rehabilitation and Research Centre for Torture Victims (IRCT), the task force recommended the creation of a center dedicated to multidisciplinary rehabilitative care of torture survivors. In 1985, the Center for Victims of Torture was established.

In thirty years, we have learned that in spite of its almost universal condemnation, torture continues to be practiced around the world, leaving devastating physical and psychological scars on its victims. We understand that torture's poisonous reach goes far beyond its individual victims and has tragic impacts on the families and communities. Without help, these wounds can be debilitating and last a lifetime.

We have also learned the grave damage caused by the United States' use of torture in its post-9/11 counterterrorism efforts undermined the torture-free movement globally and U.S. leadership on international human rights. This shameful period in American history warped the discussion on torture, as high-ranking U.S. officials deliberately twisted long-standing legal interpretations and manipulated the public into believing torture was necessary and effective. Fourteen years after the September 11 attacks, despite numerous studies and expert reports to the contrary, the majority of Americans still believe there are circumstances in which torture may be justified.<sup>ii</sup>

Despite this bleak outlook, there is hope—and CVT witnesses that hope every day as our clients heal and move forward in their lives. Over the years, CVT has developed effective rehabilitation and healing methods for survivors of torture. With our commitment to monitoring and evaluation of programs to refine our methods, improving client outcomes and contribute to research in the torture rehabilitation field, these methods are helping more and more survivors reclaim their dignity and their lives. We are also using what we have learned about torture rehabilitation and applying it to the larger human rights field. With the New Tactics in Human Rights program, CVT is leading the charge on finding new and

innovative solutions to the problems endemic to the human rights field, notably the increasing security concerns for human rights activists in the field.

*Why does torture continue today?*

“There are[...]more international conventions and standards, more constitutional protections and national legislation against torture than against any other single human rights abuse. There is more monitoring of torture, not only by the infrastructures of treaty bodies, but by national and international nongovernmental organizations.[...]Torture is the most documented and denounced of all abuses.”

- Doug Johnson, former executive director of CVT<sup>iii</sup>

Torture’s illegality and immorality are indisputable, yet it remains prevalent in every region of the world. Based on its own reports, Amnesty International found cases of torture committed by government officials in 141 countries between January 2009 and May 2013.<sup>iv</sup> CVT estimates that as high as 44 percent of refugees in the United States are survivors of torture, based on a meta-analysis of available data.<sup>v</sup> United Nations Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNSRT) Juan Méndez, notes that “some form of torture or mistreatment is happening at any moment in at least half of the countries of the world.”<sup>vi</sup> This prevalence is due in part to several factors.

First, some, including those in prominent political positions, inaccurately believe that torture is an effective interrogation method and, therefore justified in some circumstances. For example, after the September 11 attacks, prominent members of President George W. Bush’s Administration and the Intelligence Community justified torture practices in the interest of national security. To punish those responsible for the attacks and keep Americans safe in the future, “enhanced interrogation techniques” (EIT) were justified. Through outspoken advocates, like former Vice President Richard Cheney,<sup>vii</sup> support for torture has remained strong. The Pew Research Center recently reported that 58 percent of Americans believe that the post-9/11 torture methods used against terrorist suspects were justified.<sup>viii</sup>

Second, torture is often committed in secret or in places with little to no independent oversight or monitoring. It is used to extract (often false) confessions, intimidate activists, and terrorize entire communities. Attacks on journalists often demonstrate the lengths to which torturers will go to prevent reports of their cruelty from surfacing. Jennifer Windsor, former executive director of Freedom House, states that these attacks “clearly intend to have a chilling effect, to turn existing and would-be activists into passive bystanders. It is deliberately meant to instill fear.”<sup>ix</sup> This veil of secrecy also applies to the torture committed by the Central Intelligence Agency (CIA) after the September 11, 2011 attacks; by its own acknowledgement, the CIA’s torture practices had to remain secret to prevent public outrage and possible prosecution.<sup>x</sup>

Third, because torture is a universal crime of the highest order, governments will go to great lengths to manipulate both law and language to avoid the moral and legal ramifications of torture. For example, in the wake of the 9/11 attacks, the United States amassed a small team of lawyers<sup>xi</sup> and psychologists<sup>xii</sup> willing to contort the law and authorize techniques that had long been prosecuted as torture. A small number of government lawyers determined that interrogation methods would only constitute torture if the detainees’ suffering was comparable to “death, organ failure or permanent damage resulting in a loss of significant body functions.”<sup>xiii</sup> U.S. officials employed the term “enhanced interrogation techniques” (EIT) to denote abusive methods that often amounted to torture. This euphemism helped to shield them from future accountability. UNSRT Juan Méndez notes that the real danger of this “linguistic ploy...is that it persuades large segments of the public that torture is acceptable and a small price to pay for security.”<sup>xiv</sup> By treating techniques such as waterboarding, sleep deprivation, forced nudity and sensory deprivation as

something other than torture, U.S. personnel and allies could pretend that “[their actions] are legal or at least not punishable.”<sup>xv</sup>

Although torture is carried out around the world, every government insists that they do not torture. Despite the overwhelming evidence that later emerged to the contrary, then U.S. President George W. Bush said in 2004, "We do not condone torture. I have never ordered torture. I will never order torture. The values of this country are such that torture is not a part of our soul and our being." <sup>xvi</sup> Likewise, the regime of Bashar al-Assad in Syria continually denies allegations of torture, despite well-documented evidence to the contrary, <sup>xvii</sup> including from many of CVT’s clients in Jordan. The rebels in El Salvador and Guatemala, as well as Nicaragua’s Sandinista government repudiated torture publicly, while using brutal physical force and psychological pressure during their internal conflicts. <sup>xviii</sup>

Lastly, torture continues today because impunity for perpetrators is widespread. In some cases, authorities fail to investigate accusations of torture, especially if the accused are military or police officials. <sup>xix</sup> Even when accountability mechanisms may exist and are pursued, victims may be afraid to come forward for fear of reprisal, social stigma or re-traumatization.

Whenever egregious human rights violations are committed, including the U.S. government’s past use of torture, there is often a desire to avoid a full and comprehensive investigation and instead look toward the future. Yet, in doing so, we allow the culture of impunity to persist and forfeit an opportunity to prevent future abuses. On behalf of countless torture survivors around the world, we will continue to press forward in fighting impunity in our efforts to bring justice, hope and healing to societies ravaged by torture.

- Curt Goering, executive director of CVT<sup>xx</sup>

### *The Path to End Torture*

In many respects, the path to end torture is well known. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) provides the legal and moral framework for ending torture.

#### **Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment<sup>xxi</sup>**

- States must investigate, prosecute, and punish perpetrators of torture
- States must provide redress, including rehabilitation, to survivors
- States cannot return individuals to countries where they may be tortured
- States cannot justify torture on the ground of a public emergency
- States must update their interrogation materials and provide appropriate training for government officials
- States cannot use evidence obtained through torture in any proceeding against the individual tortured

While the CAT and other legal prohibitions against torture are important, they have not been effective at halting torture entirely. In 1995, ten years after its founding, CVT conceived of a new project to build on the foundation of the CAT. At that point in history, torture was universally condemned but egregious human rights atrocities in Bosnia, Rwanda, and Sierra Leone were shocking the world. CVT felt that a new approach was needed to combat torture and other human rights violations. Thus, New Tactics in Human Rights was born, beginning with the 1998 convening of “advisory groups in Turkey to explore the

idea of a ‘best practice’ symposium examining tactics used around the world to resolve - or more effectively struggle with - widespread human rights abuses.”<sup>xxii</sup> By focusing on strategy and best practices, rather than a never-ending list of problems, CVT wants to shift the dialogue in a more positive direction.

Torture will not end with one targeted approach; rather, it requires a comprehensive, coordinated strategy, involving multiple actors and targets. Together, we can hope to bring justice to survivors like Halimah and prevent torture in the future.

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<sup>i</sup> CVT. “Healing the Body and Mind with Physical Therapy.” *The Storycloth*, February 2014, 1-3.

<sup>ii</sup> Wicke, Richard, Bruce Stokes and Jacob Poushter. “Global Publics Back U.S. on Fighting ISIS, but are critical of Post-9/11 Torture.” *Pew Research Center*. June 23 2015. Accessed July 2, 2015.

<http://www.pewglobal.org/2015/06/23/global-publics-back-u-s-on-fighting-isis-but-are-critical-of-post-911-torture/>.

<sup>iii</sup> Cornell, Tricia, Kate Kelsch, and Nicole Palasz. *New Tactics in Human Rights: A Resource for Practitioners*. Minneapolis: Friesens, 2004. 12.

<sup>iv</sup> Amnesty International. *Torture in 2014: 30 Years of Broken Promises*. London: Peter Benenson House, 2014. Accessed July 2015. <http://www.amnestyusa.org/sites/default/files/act400042014en.pdf>, 11.

<sup>v</sup> The Center for Victims of Torture. *U.S. Home to Far More Refugee Torture Survivors than Previously Believed: The Center for Victims of Torture Calls on Congress to Increase Funding*, September 29, 2015.

<sup>vi</sup> Juan E. Méndez & Marjory Wentworth, *Taking a Stand: The Evolution of Human Rights* 31 (2011)

<sup>vii</sup> Vice President Dick Cheney, interview by Chuck Todd, *Meet the Press*. NBC News, December 14, 2014.

<http://www.nbcnews.com/meet-the-press/meet-press-transcript-december-14-2014-n268181>.

<sup>viii</sup> Wicke, Richard, Bruce Stokes and Jacob Poushter. “Global Publics Back U.S. on Fighting ISIS, but are critical of Post-9/11 Torture.” *Pew Research Center*. June 23 2015. Accessed July 2, 2015.

<http://www.pewglobal.org/2015/06/23/global-publics-back-u-s-on-fighting-isis-but-are-critical-of-post-911-torture/>.

<sup>ix</sup> Jennifer Windsor, Statement at Torture is a Weapon against Democracy: How the United States is Working to End Torture Globally (Jun. 26, 2013) *available at*

<http://apps.law.georgetown.edu/webcasts/eventDetail.cfm?eventID=2041> at 00 58 01

<sup>x</sup> Filkins, Dexter. “How did Abu Zubaydah Lose His Eye?” *The New Yorker* June 9, 2015. Accessed July 17, 2015.

<http://www.newyorker.com/news/news-desk/how-did-abu-zubaydah-lose-his-eye>.

<sup>xi</sup> Kathleen Clark and Julie Mertus. “Torturing the Law.” *Washington Post*. June 20, 2004. Accessed September 29, 2014. <http://www.washingtonpost.com/wp-dyn/articles/A54025-2004Jun19.html>.

<sup>xii</sup> Risen, James. “Outside Psychologists Shielded U.S. Torture Program, Report Finds.” *The New York Times*. July 10, 2015. Accessed September 29, 2015. <http://www.nytimes.com/2015/07/11/us/psychologists-shielded-us-torture-program-report-finds.html?hp&action=click&pgtype=Homepage&module=first-column-region&region=top-news&WT.nav=top-news>.

<sup>xiii</sup> Mazzetti, Mark. “‘03 U.S. Memo Approved Harsh Interrogations.” *The New York Times*. April 2, 2008. Accessed July 17, 2015. [http://www.nytimes.com/2008/04/02/washington/02terror.html?\\_r=1&](http://www.nytimes.com/2008/04/02/washington/02terror.html?_r=1&).

<sup>xiv</sup> Méndez, *Taking a Stand, supra* note 2 at 33.

<sup>xv</sup> Méndez, *Taking a Stand, supra* note 2 at 33.

<sup>xvi</sup> Bash, Dana and Jamie McIntyre. “Bush: ‘I Have Never Ordered Torture.’” *CNN*. June 23, 2004. Accessed July 17, 2015. <http://www.cnn.com/2004/ALLPOLITICS/06/22/prisoner.memos/>.

<sup>xvii</sup> Watson, Ivan. “Report describes brutal torture in Syria.” *CNN*. July 3, 2012. Accessed July 17, 2015.

<http://www.cnn.com/2012/07/03/world/meast/syria-torture-report>.

<sup>xviii</sup> Méndez, *Taking a Stand, supra* note 2 at 39.

<sup>xix</sup> Amnesty International, 12.

<sup>xx</sup> CVT. “A Morning in Dadaab.” *The Storycloth*, October 2014, 2.

<sup>xxi</sup> Convention Against Torture, Articles 3-15.

<sup>xxii</sup> Cornell, 13.