

## **Torture across the Commonwealth**

Although many of us don't often think about the Commonwealth, it has had a high profile recently thanks to the recent Glasgow Commonwealth Games, with sportspeople coming from all corners of the world and from countries which we might have forgotten are part of this strange agglomeration of nations.

The Commonwealth comprises 53 states, most of which were part of the British Empire. The Charter states that the countries are brought together by "the values and aspirations which unite the Commonwealth – democracy, human rights and the rule of law" and expresses the commitment of member states in "the promotion of peace and prosperity to improve the lives of all peoples of the Commonwealth." It also recognises the role of civil society.

We know that the UK (the "mother" of the Commonwealth) is itself complicit with torture in other parts of the world. But there are some Commonwealth countries where torture remains common and is practised quite openly.

We urge Friends to study the information provided by the Atlas of Torture project (<http://www.univie.ac.at/bimtor/countrymap> gives an overview of the countries under investigation) and raise this concern in special interest group or your local UNA group. Although this Briefing paper focuses on Commonwealth countries, the Atlas of Torture provides world-wide up-to-date and comprehensive information.

Signing the UN Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment is a first step, and most countries in the world have signed and ratified. Of the members of the Commonwealth, however, Tanzania, Papua New Guinea, Brunei, Bangladesh and Malaysia have not signed; and India and Pakistan have signed but not ratified.

The largest group of Commonwealth countries is in **Africa**. Concerns have been raised about the situation in at least fourteen of those member states<sup>1</sup>.

- In **Botswana**, the United Nations High Commission for Refugees has had reports of torture in refugee camps which contain over 3500 refugees from other African countries from Algeria to Zimbabwe. The government denies this, of

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<sup>1</sup> Botswana, Cameroon, Ghana, Mauritius, Mozambique, Namibia, Nigeria, Rwanda, Sierra Leone, South Africa, Swaziland, Tanzania, Uganda, Zambia

course, but UNHCR maintains that it has received reports of sexual abuse, torture and ill-treatment at the refugee camp at Dukwi.<sup>2</sup>

- In Cameroon, the authorities are failing to stop homophobic violence<sup>3</sup>; there, as in countries such as **Uganda**, the LGBT community lives in constant fear of their lives.

- **Nigeria**, like many countries, has ratified the UN Convention against Torture (CAT) and the Optional Protocol to the Convention against Torture (OPCAT), but has yet to recognise the competence of the Committee against Torture to receive communications from individuals under article 22 of CAT. A recent update in the “Atlas of Torture” notes many concerns including allegations of torture by the police and the continuing legality of corporal punishment such as caning and punishments recognized under the Sharia penal code (i.e. amputation, flogging and stoning to death).<sup>4</sup>

- Unlike Nigeria, **Tanzania** has not signed or ratified the Convention Against Torture, and citizens there are sometimes tortured by police officers and do not have any recourse to justice.<sup>5</sup> The victims are often members of minority groups such as LGBT, or campaigners for human rights.

Although African countries might be seen as being in the forefront of torture claims, the situation in other parts of the world is just as serious.

In **Malaysia**, 12 people have been died in police custody so far in 2014<sup>6</sup> yet the government steadfastly refuses requests to sign the Convention Against Torture. In **India**, which has signed but not ratified the Convention, the Armed Forces Special Powers Act provides impunity from punishment for torture and extra-judicial executions, while excessive use of force is regularly used against demonstrators and there are reports that torture is used to extract confessions from prisoners.<sup>7</sup>

Sharia Law is used in **Brunei**, and in the holiday paradise of the **Maldives**, Amnesty International has reported torture of detainees upon arrest and while being taken to police centres where they are sometimes also kept in dog cages.<sup>8</sup>

This list could be expanded to include many more countries which are members of the Commonwealth – a group of countries which claims to be held together by their commitment to “democracy, human rights and the rule of law”.

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<sup>2</sup> See: <http://africajournalismtheworld.com/2014/01/22/botswana-denies-reports-of-abuse-and-torture-of-refugees/>

<sup>3</sup> <http://www.hrw.org/news/2013/07/16/cameroon-lgbti-rights-activist-found-dead-tortured>

<sup>4</sup> <http://www.univie.ac.at/bimtor/countrysituations/285>

<sup>5</sup> <http://www.hrw.org/news/2013/06/26/tanzanias-victims-torture>

<sup>6</sup> <http://aimalaysia.org/content/putrajaya-urged-outlaw-torture-ratify-united-nations-convention>

<sup>7</sup> <http://www.univie.ac.at/bimtor/countrysituations/313>

<sup>8</sup> <http://www.amnesty.org/en/region/maldives/report-2013#section-91-4>

## **And the UK's role?**

Not only does the UK government remain silent on torture and other human rights abuses, it grants export licences to countries which use torture against their citizens and deports asylum-seekers to countries where they are bound to suffer persecution (this of course also applies to countries outside the Commonwealth as well as some of those mentioned here.)

## **Suggestions for action**

Whether or not we feel that the Commonwealth is an anachronism, the fact remains that it is a useful tool for reminding states of their human rights obligations.

- Commonwealth Day on 10<sup>th</sup> March could be an occasion for highlighting the misery suffered by many of our fellow Commonwealth citizens.
- Parliament has all-party groups specialising in many of these countries, and you could find out if your MP is involved in such a group. (This might, however, involve some detective work as not all MPs include this detail on their web-site).
- Local United Nations Associations could be asked to arrange an evening focusing on this concern.
- Some cities and towns have Commonwealth Associations or Societies which could be approached to highlight use of torture in Commonwealth countries, although such organisations are frequently mainly business-oriented.
- Some cities and towns have links with particular countries and have formed civic societies to foster these links.
- And don't forget that the Foreign Office's full title is the Foreign and Commonwealth Office, so concerns about a particular country could be raised directly with the Minister.

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