

Frequently Asked Questions

Introduction

Events organised by Q-CAT and performances of *Feeding the Darkness* have given rise to some important and interesting questions. In this briefing we seek to answer some of these.

Definitions

First, some definitions. Our Briefing Papers 48 and 52 dealt with definitions of torture. The definition on which the work of Q-CAT has traditionally been based is that contained in the United Nations Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment (UNCAT). (This is given in full in Briefing 48, which can be downloaded from the Q-CAT website.)

The Convention distinguishes between “torture” (*severe pain or suffering...intentionally inflicted*) and “other cruel, inhuman and degrading treatment”. However, since the United Nations Committee Against Torture has subsequently declared that both “torture” and “other cruel, inhuman and degrading treatment” are equally illegal, the distinction may be of less consequence than it was originally.

The original UN definition also requires that the 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*”. The guidance given by the UK Home Office on investigating the claims of immigration detainees does not include such a requirement. Indeed, when the Home Office sought to add it in 2016, it withdrew in response to a legal challenge. The Detention Centre (Amendment) Rules 2018 further revised the working definition of torture to be used in such circumstances to

“any act by which a perpetrator intentionally inflicts severe pain or suffering on a victim in a situation in which-

- (a) the perpetrator has control (whether mental or physical) over the victim
and
- (b) as a result of that control the victim is powerless to resist”.

Incidentally, it may well be worthwhile to monitor how the rather vague wording about power to resist is interpreted – for example, could the ability to raise a complaint be taken as power to resist, *even though the abuse has already taken place?*

We have taken account of these developments, where appropriate, in responding to the questions raised, which now follow.

What is the UK's involvement in torture and inhuman and degrading treatment?

Torture was outlawed in Britain in the 17th century – although it continued much longer as a judicial punishment in certain circumstances.

Evidence has been uncovered of the torture of enemy aliens during the Second World War, and Britain was certainly involved in torture in countries such as Kenya rebelling against colonial rule in post war years.

More recently, the “five techniques”, aka “deep interrogation” (prolonged wall standing, hooding, subjection to noise, deprivation of sleep and deprivation of food and drink) were developed by British military and first used in Northern Ireland in 1971 as part of Operation Demetrius, the mass arrest and internment without trial of IRA suspects. Fourteen men, who became known as the “hooded men” were subjected to all five techniques. Others were subjected to some of the techniques¹.

In 1976 the European Commission of Human Rights ruled that the five techniques amounted to torture, but in 1978 the European Court of Human Rights ruled that they were “inhuman and degrading” but did not amount to torture. The UK government had given an undertaking to the ECHR that it recognised the effect of article 3 of the convention, and that it would not reintroduce the five techniques “in any circumstances”.

The existence of a memo from the 1970s, revealing that the use of these methods was a deliberate political decision of the UK government, was reported by the BBC in 2014², and the Irish government asked the ECHR to review its judgement, but it declined to do so. This ruling has subsequently been used by the CIA and others to justify the use of the five techniques around the world. Given that the distinction between “torture” and “inhuman and degrading treatment” is such a fine – and disputed – one, and that both are breaches of the European Convention on Human Rights, one might conclude that at the very least, we are here playing with words, and with devastating consequences.

The official line today is that the UK does not carry out or condone torture, and is not complicit in the use of torture. It does not accept evidence obtained by torture, and will not extradite anyone to face torture in another country. Investigation hardly bears out these claims. The UK government has negotiated Memoranda of Understanding (MoUs) with countries such as Jordan and Libya, where torture is known to be used. It has resisted any inquiry into UK involvement in rendition and torture post-9/11. However, according to two reports by the Parliamentary Intelligence and Security Committee³, British intelligence agencies were involved in the kidnap and torture of terrorism suspects after 9/11.

The Overseas Operations Bill⁴, which seeks to make British troops immune from prosecution for acts committed more than five years ago, originally exempted torture from this limit, but the exemption was removed from the final draft.

¹ The Parker Report. <https://cain.ulster.ac.uk/hmso/parker.htm>

² <https://www.bbc.co.uk/news/uk-northern-ireland-27714715>

³ see *UK's role in rendition and torture of terrorism suspects – key findings* Ian Cobain in *The Guardian* 28 June 2018 (and several related reports around the same time)

⁴ see Q-CAT newsletter no.41, September 2020 (downloadable from Q-CAT website)

If we were carrying out torture in the UK, where might it be happening?

The short answer is almost anywhere - we don't know. One of the most distinctive aspects of torture is the secrecy surrounding it. However, we do know that when "enemy aliens" were incarcerated in wartime, some at least were tortured at secret locations in London; before that, British fascists had been given the same treatment. We also know that police have recently recommended that more than twenty people, some of them senior officials, should be prosecuted for murder, kidnap, torture and perverting the course of justice during the Northern Ireland troubles.

At the present time the *Covert Human Intelligence Sources (Criminal Conduct) Bill* currently going through parliament contains no exceptions, despite the fact that several human rights groups have specifically raised the concern that murder and torture should be excluded from the scope of the "criminal conduct authorisations" envisaged by the bill. Such authorisations could be given by a wide range of bodies from the intelligence services to any of the armed forces and any police force. The requirement to "take into account other matters so far as they are relevant (for example the requirements of the Human Rights Act 1998)" seems rather vague – It might be timely to press for a much more explicit limitation to be included in the bill, which, at the time of writing, is in committee stage.

Whether or not "torture" in its narrow sense is carried out on UK soil, there are still well-documented examples of inhuman and degrading treatment in adult prisons and in Young Offenders' Institutions.

In April 2020 the Council of Europe reported on its CPT visit to the UK which took place in May 2019. <https://rm.coe.int/16809e4404>. The delegation found that the local male prisons visited remained violent, unsafe and overcrowded, with many inmates enduring restricted and isolating regimes and/or long periods of segregation. A similar state of affairs was also found in the two young offender institutions visited. They reported a new finding of the infliction of unjustified violence by staff on prisoners in two of the three prisons visited, namely Liverpool and Wormwood Scrubs. This included an informal practice of "preventive strikes" (i.e. "preventively" punching compliant prisoners whom staff perceived might, at some point in the future, become a threat).

In Young Offenders' Institutions the delegation received reports of the use of "excessive force" while being physically restrained, and the use of insulting language. The boys were aware that they could make a formal complaint about this and although a few had done so, others expressed their lack of trust in a system where they felt that their word would not count against that of a staff member.

Also, in May 2019, over 80 NGOs and civil society groups gave evidence to the United Nations Committee Against Torture. The report prepared for UNCAT https://redress.org/wp-content/uploads/2019/05/UK-Implementation-of-UNCAT_REDRESS_March2019_Web.pdf gives examples of the degrading and inhumane treatment and failure in the duty of care of adults and children held in immigration detention centres, prisons and other places of detention. This includes the use of sprays which produce discomfort, itching burning and pain principally in the eyes, respiratory tract and/or skin. There is also an increasing use of Tasers, which can cause extreme pain, serious injury and even death. In police stations and elsewhere (e.g. train stations), there has been an increased use of "spit hoods" by the police which have caused extreme distress and even death.

Thousands of children, including 10/11-year-olds, are kept overnight in police custody and children have been subjected to spit hoods, threats of being tasered and strip-searching.

How do we know torture doesn't work?

Torture has been going on since ancient times – the Greeks, the Romans and the Egyptians all used torture. They probably believed intuitively, as Donald Trump still apparently does, that torture works. It seems to stand to reason almost – if you're under enough pressure, you'll talk. That is actually quite true.

The problem is, as one of Saddam Hussein's torturers later remarked, “You can always make someone talk...The problem is what they say.” Information obtained by torture is unreliable; people will say anything to make the pain stop¹. It has been shown that torture so impairs the functioning of the brain that it is an intrinsically unreliable source of information anyway².

One of the reasons Guantanamo Bay was not closed, despite the explicit intention of President Obama, is that there are too many inmates who could never be released either because they were tortured on the basis of false confessions, or because what they have witnessed must be for ever suppressed.

Apart from the question of obtaining information, research also shows that torture does not change behaviour in a conflict situation³

There is also of course the use of torture for straightforward punishment or repression. The use of torture by European colonial powers in the dying days of empire is well documented, albeit this emerged, as ever, long after the event⁴ – but ex colonies still gained their independence, and often with a bitter legacy. British torture and mutilation of Kikuyu people in Kenya in the 1950s finally came to light when a group of survivors sued the British government in 2012 – and cases arising from this are still going on.

¹*Erroneous Assumptions: Popular Belief in the Effectiveness of Torture Interrogation*, R. Janoff-Bulman in *Journal of Peace Psychology* 2007

² *Why Torture Doesn't Work* Shane O'Mara 2016

³*The (In)effectiveness of Torture for Combating Insurgence*, C.M. Sullivan, *Journal of Peace Research* 2014 - shows statistically that torture is ineffective in reducing subsequent killings by insurgent and counter-insurgent forces.

⁴ *Boris Johnson says we shouldn't edit our past. But Britain has been lying about it for decades*, George Monbiot in *The Guardian* 16 June 2020

What if it could be proved that, in some instances, it does work?

Torture has been practised since ancient times, and, throughout that time, it has been proven that it doesn't work – yet the myth that it does, or might, work in certain circumstances, persists.

As long ago as the third century CE, the Roman jurist, Ulpian, declared that there was “no means of obtaining the truth” by torture from those who had the strength to resist, whilst those who did not have the strength to resist would “tell any lie rather than suffer it”.

The claim that torture does not work has always seemed counter intuitive to some people. In recent times we've probably absorbed more than we realise the myth, often portrayed in popular entertainment, that information may sometimes have to be obtained under duress, and that it could/does save lives. Yet, even disregarding the (im)morality of it all, research proves that it does not work. There is an excellent list of relevant research papers and books which can be found on line under the title *Does torture work? The research says, “No”*, published by Journalist's Resource, dated January 26, 2017. Shane O'Mara published evidence, in 2015, that proved

scientifically that torture does such damage to the brain that information obtained by this means cannot possibly be relied upon¹.

There are many horrifying instances throughout history of false confessions obtained under torture. In the 17th century, for example, people went to the gallows on the basis of false confessions of practising witchcraft given purely to get the torture to cease².

There were some interesting letters published in *The Guardian* under the self-explanatory heading *Even torturers admit that torture doesn't work* (Letters to The Guardian 27 Jan 2017).

Knowing how unreliable torture is as a means of eliciting the truth, any evidence so obtained, would at least need to be confirmed by other evidence *not* so obtained.

So, has torture ever elicited anything worthwhile? Well, as Ian Cobain wryly remarks in *Cruel Britannia*² the torture of Germans by the British after the Second World War “proved, beyond doubt, that Hitler was dead.” So, unless you think that was worthwhile, or accept torture for purely punitive reasons, the premise behind the question is false – there is no evidence that torture works, and plenty of evidence to the contrary.

¹ Shane O'Mara *Why Torture Doesn't Work* Harvard University Press 2015. (a brief summary, verified by Psychology Today, posted March 26, 2016, can be seen on line)

² *Cruel Britannia: A Secret History of Torture*, Ian Cobain, Portobello Books 2012

If torture doesn't work why do governments and others continue to use it?

Many before us have sought to answer this question. Although there is far more to be said than there is space for here, we feel that, as the question is so often asked there are at least a few points we might make.

We have referred in the previous answer to the fact that the assertion that torture doesn't work seems to many to be counter-intuitive. In other words, one reason that torture continues to be used (and supported by those unlikely to become victims) is that too many people believe, falsely, that it *does* work. There is, surely, work to do on this for all who oppose torture.

There are other reasons why torture persists.

In many countries where torture is widely practised a kind of stalemate has developed. In Cameroon, for example, the ongoing conflict between separatists in the anglophone regions and the authorities has resulted in just this kind of situation. Torture and other abuses are in many cases carried out by all parties. In the long conflict with Boko Haram in Cameroon, Chad and Nigeria, atrocities have been perpetrated by all parties¹. Similarly, in Yemen, all sides in the five-year-long war are responsible for disappearances, torture and killings in unofficial detention centres and prisons – a situation now made even worse by the effects of Covid-19 in a barely functioning health system². So situations develop where torture may be achieving nothing, but is difficult to bring to a halt, even if the will were there.

There is also a much darker side to the continued use of torture. President Trump once remarked on the general efficacy of torture (specifically, waterboarding) “Believe me, it works, and you know what, if it doesn't work, they deserve it anyway for what they're doing”. In other words, even if torture produces no reliable intelligence, saves no lives, it is justified as punishment or revenge.

¹ search Boko Haram on the Guardian website – there are several relevant articles

² *Scale of torture and deaths in Yemen's unofficial prisons revealed* Bethan McKernan in The Guardian 30 June 2020

Where's the line between interrogation and torture?

In a very real sense, there is no clear line, since the techniques used in interrogation include torture – as well as deception, suggestibility and the use of mind-altering drugs.

Interrogation, whether military or police, is something more than simple questioning or interviewing. Certainly, police interrogation techniques considered legal in most countries, including Britain and the USA, stop short of torture, but interrogation is generally something much harsher than merely interviewing – the interrogated person is already a suspect, and there may be a fine line between self-incrimination and confession.

In military interrogation the whole process goes at least one step further. The use of torture is prohibited, but in 2010 The Guardian discovered a number of secret training manuals for UK military interrogators which clearly breached international law¹. One Power Point aid advised interrogators to find a discreet place to conduct interrogations, preferably somewhere that looked “nasty”, and although it explicitly prohibited torture, it nevertheless advised on methods of ill treatment, including “conditioning” the suspect prior to questioning by harsh questioning to induce fear and anxiety, and stripping prisoners naked and subjecting them to examination of a sexually intrusive nature.

In 2017, the International Criminal Court ruled that there was a reasonable basis to conclude that British troops committed war crimes against Iraqi detainees, and a fortnight later the UK High Court finally established that the Ministry of Defence breached the Geneva Conventions, as well as the 1998 Human Rights Act, in its treatment of Iraqi civilians².

The most obvious way used to blur or circumvent the distinction between interrogation and torture is simply to change the definitions, which is exactly what the Bush administration did with the now infamous “enhanced interrogation”. Issues around this have been alluded to several times in previous Q-CAT briefings. A report by the Senate Armed Services Committee published in April 2009 showed that abuse of terror detainees and combat prisoners was systemic. It was extremely sceptical about attempts by Donald Rumsfeld to distance the Pentagon from what had happened.

¹ *Humiliate, strip, threaten: UK military interrogation manuals discovered* Ian Cobain in The Guardian 25 Oct 2010

²*British troops breached Geneva conventions in Iraq, high court rules* Ian Cobain in The Guardian 14 Dec 2017

By also featuring the perspectives of the perpetrators and their families, aren't you excusing them in some way, or, at least, allowing them to justify the unjustifiable?

An answer to this question depends to a large extent who we identify as “the perpetrators”.

Most obviously, the perpetrators are those who actually carry out torture procedures. But consider what skill goes into selecting potential torturers and persuading them to carry it out. This is vividly illustrated by the opening sketch in Journeyman Theatre's *Feeding the Darkness*, in which a covertly selected group of individuals are screened, groomed and selected until a new generation of torturers emerges, now in a situation from which it is almost impossible to withdraw.

There have always been those who have coped with what they have been called upon to do by separating their private and working lives into hermetically sealed compartments. Britain's last hangman is on record as saying, after his retirement, that capital punishment was not a deterrent. It's almost a cliché: think of those who ran Nazi concentration camps, and were loving husbands

and fathers “out of hours”.

Or perhaps the real perpetrators are the politicians and others who believe that torture “works”, may be necessary, and has to happen – and so set up sophisticated organisations to do it. We have looked in previous briefings at the actions of some of those who have become part of this world. Repugnant and power driven as the actions of many of these individuals may be, we surely have to recognise that they are also victims of the culture of which they have become a part.

We also have to concede that many members of the public believe that torture works, especially if they are remote from it in their everyday lives.

To the politicians and members of the general public who believe in the efficacy of torture, we have to add those who have inflicted torture, believing that what they did was right, and indeed their patriotic duty. For example, the highly skilled interrogators initially employed at Guantanamo Bay were later replaced by less highly trained individuals who genuinely believed that the abuse they were inflicting on the inmates was right and proper, as they were dealing with individuals who presented a threat to the United States.

We've acknowledged that much of the evidence that torture does not work has emerged from the patient work of trained psychologists and other researchers, and to many seems counter intuitive. So, what is the moral distinction between the many politicians and members of the public who believe that torture “works” and those who, surrounded by a culture of violence, put that belief into action, perceiving it to be their patriotic duty so to do, *and thus are themselves victims of that culture of violence?*

Whoever we mean by “perpetrators”, we have a concern, as Quakers, for the spiritual well-being of *all* people. The conclusion of George Fox's letter from Launceston Jail (“answering that of God in everyone”) is well known, but it may be worth quoting a little more from the same letter:

So the ministers of the spirit must minister to the Spirit that is transgressed and in prison, which hath been in captivity in every one; whereby with the same Spirit people must be led out of captivity up to God.

George Fox Letter from Launceston Jail, 1656. In *Quaker Faith and Practice* 19.32

Why does there need to be a specifically Quaker concern, given that so many others are working on this?

We've been asked this question many times. There are hundreds of organisations, large and small, engaged in anti-torture work around the world - The World Organisation Against Torture (Organisation Mondiale Contre la Torture – OMCT) lists over 200 organisations world-wide, including, in Britain, Action by Christians Against Torture (ACAT), set up in 1984 by the British Council of Churches with the support of Amnesty International and the Society of Friends.

Many organisations around the world do vital work at huge risk; Amnesty International, for example, has recently been forced to abandon its presence in India, accused of tax funding irregularities – though their investigations into excessive use of torture in Kashmir may have had something to do with it! Much of the work of the major anti-torture organisations focuses on the political argument and/or the support of survivors. Such organisations can, and often do, campaign on behalf of individuals victims, or against specific policies.

It is good to know that many Quakers actively support the work of Amnesty International, Freedom from Torture, Reprieve, Human Rights Watch and Medical Justice amongst others.

However, we believe that there is still a need to increase awareness amongst Friends.

The most distinctive aspect of specifically Quaker witness is our concern for *all* victims of torture, including the perpetrators- see previous answer, above - not to mention the many who find the subject so distressing that they simply switch off and acquiesce in the presence of an evil they feel powerless to overcome. We referred in a previous Briefing¹ to the damaging effect of torture not only on the victims, but also on “those who commit torture, authorise it or collude in its use.” We have a concern for the spiritual core of the individuals involved, not just their mental and physical health.

We also have a concern for the damage that torture does to the spiritual and moral fabric of society – to all of us, in other words. In many parts of the world torture has long been endemic, to the extent that it is difficult to see a way out. One thinks, for example, of the long running “dirty war” in Yemen, where torture by all parties has effectively created a stalemate. Or the ongoing use of torture, brutality and oppression in Cameroon between the authorities and Boko Haram. And anyone who thinks that Britain has not engaged in torture and complicity in torture should read what Ian Cobain has to say on the matter².

¹ Briefing 42, July 2014 – available on our website, qcat.org.uk

²*Cruel Britannia: A Secret History of Torture* Ian Cobain Portobello Books 2012

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The next Newsletter is planned for December
The next Briefing is planned for mid-January

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