



Geneva International Centre *for* Justice

INTERNATIONAL DAY IN SUPPORT OF VICTIMS OF TORTURE

26 JUNE

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June 2021



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International Day in Support of Victims of Torture, 26 June

Introduction

In 1997, by resolution 52/149, the UN General Assembly proclaimed 26 June the United Nations International Day in Support of Victims of Torture, with a view to the total eradication of torture and the effective functioning of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

26 June is an opportunity to call on all stakeholders including UN Member States, civil society and individuals everywhere to unite in support of the people around the world who have been victims of torture and those who are still tortured today.

The United Nations has condemned torture from the outset as one of the vilest acts perpetrated by human beings on their fellow human beings.

What is torture?



Torture is the intentional destruction of a human being by another, by inflicting severe pain and suffering using different methods, but they all have the same objective: to break a person, erase them as an individual, deny they are human¹. Torture evokes physical suffering, such as beatings or electrical shocks, and sexual abuse, such as rape and sexual humiliation. Psychological torture, such as sleep deprivation, prolonged solitary confinement, or with the person being threatened that someone they love will be tortured or killed, can inflict equal levels of pain. Inhuman conditions in detention, including severe overcrowding and total lack of hygiene, or the denial of medical care, can also amount to torture or other ill-treatment².

The legal definition of “torture” is contained in Article 1 of the United Nations Convention against Torture as any act that intentionally inflicts severe pain or suffering – physical or mental – for a specific purpose. This could be to obtain information, a confession, to put pressure on a third person or as punishment³. Torture is prohibited, under all circumstances, by international law, and in armed conflict it constitutes a war crime. When it is used in a systematic or widespread manner, it also amounts to a crime against humanity.



¹ Bernstein, J. M., 2015, *Torture and Human Dignity: An Essay on Moral Injury*, Chicago: Chicago University Press.

² Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CAT.aspx>

³ Beccaria, Cesare, 1964 [1764], *On Crimes and Punishments*, J. Grigson (trans.), Oxford: Oxford University Press.

Torture: a crime against humanity

Despite the absolute prohibition of torture under international law, torture persists in all regions of the world. According to all relevant instruments, it is absolutely prohibited and cannot be justified under any circumstances. This prohibition forms part of customary international law, which means that it is binding on every member of the international community, regardless of whether a State has ratified international treaties in which torture is expressly prohibited. The prohibition of torture, just like the prohibition of slavery, is legally called *ius cogens*. The systematic or widespread practice of torture constitutes a crime against humanity. From a legal standpoint, acts of torture must be investigated, prosecuted and perpetrators must be punished. The victims have the right to benefit from remedies and reparation, including rehabilitation.

Healing through rehabilitation

Recovering from torture requires prompt and specialized programmes. The UN Voluntary Fund for Victims of Torture, administered by the UN Human Rights Office in Geneva is a unique victim-focused mechanism that channels funding for the assistance to victims of torture and their families⁴. It was established in 1981 with a mandate to support torture victims and their families. The Fund contributes to civil society organizations providing legal, social, humanitarian, psychological and medical services. Beneficiaries include human rights defenders, persons deprived of liberty, children and adolescents, refugees and migrants, victims of enforced disappearance, indigenous peoples, victims of sexual and gender-based violence and LGBTI persons, among others.



The notion of torture victims' right to construct or reconstruct their autonomy led to the development of a health-based approach to torture rehabilitation. Health professionals in different parts of the world embraced this approach, which resulted in the creation of medical groups and centres dedicated to the treatment of torture victims. This is how the International Rehabilitation Council for Torture Victims (IRCT)⁵ was born as a network of over 160 torture rehabilitation centres in 76 countries and the world's largest membership-based civil society organisation specialised in the field of torture rehabilitation who works towards the improved quality of life for torture victims worldwide and contribute to a world without torture.

The work of the IRCT provides context to health-based rehabilitation within all pillars of the global fight against torture: prevention, accountability and reparation. It grew out of a need to respond to the use of torture around the world and aims to help the hundreds of thousands of torture victims whose pain and suffering is the responsibility of the perpetrating States.

⁴ <https://www.ohchr.org/en/issues/torture/unvft/pages/index.aspx>

⁵ <https://www.irct.org/what-we-do/rehabilitation-of-torture-victims>

Covid-19 context

The COVID-19 pandemic is leading to an escalation of torture and ill-treatment worldwide, and torture survivors are especially in danger of getting infected by the lethal virus due to their vulnerable situation.

People deprived of liberty, already subject to the risk of cruel, inhuman and degrading treatment behind bars and in other confined spaces, are now facing this new threat. In these critical circumstances, the UN anti-torture experts have highlighted the vulnerable situation of people in detention, where social distancing is practically impossible. The detainees already had pre-existing unfavorable medical conditions which contributed to a rapid spread of COVID-19, with potentially deadly consequences.



In many regions of the world, excessive force has reportedly been used to enforce curfews and social distancing rules. The experts warned that such action might well amount to torture or to inhuman or degrading treatment.

Underlining the importance of redress and rehabilitation, the Chair of the Board of Trustees of the UN Voluntary Fund for Victims of Torture, Dr. Vivienne Nathanson, said that victims of torture are at increased risk of further traumatization from the COVID-19 pandemic. “Torture victims are burdened with physical, social, economic and mental health problems. They may also lack the living conditions that allow them to guard against the spread of the virus. We commend the outstanding efforts undertaken by civil society organizations to continue to provide essential services to torture survivors, including during states of emergency and curfews, even when they face acts of intimidation or obstruction by the authorities.”

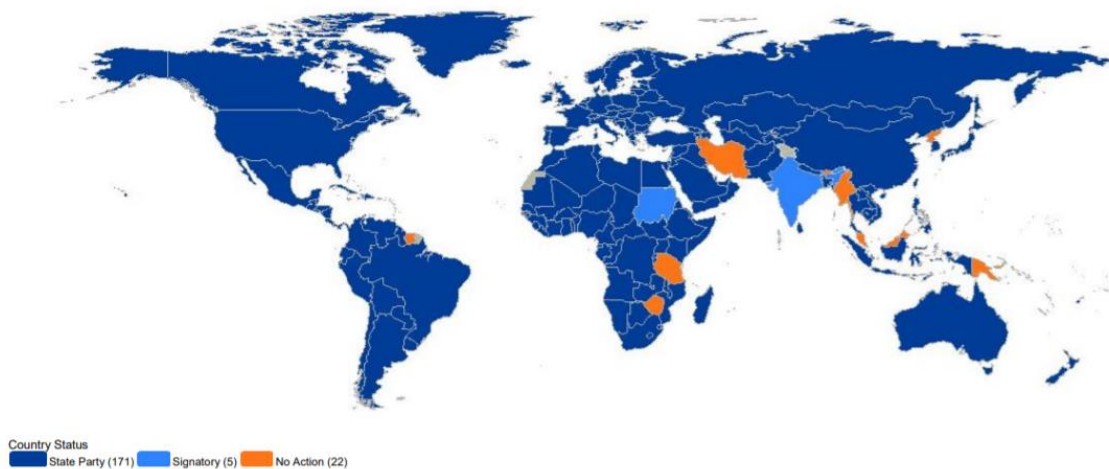
Experts warned that the COVID-19 pandemic must not be used to avoid complying with the universally recognized duty of governments to eradicate all forms of torture and other cruel, inhuman or degrading treatment or punishment, it shouldn't be forgotten that the coronavirus crisis has highlighted institutional and procedural failures that have exacerbated the risk of torture and ill-treatment for countless children, women and men in all regions of the world.

Moral considerations and legal framework

The condemnation of torture rests above all on an ethical and moral imperative. It is the deep conviction that such an offence to the dignity of the person is, in all circumstances, absolutely intolerable and unacceptable. International humanitarian law and international human rights law expressly prohibit torture and other cruel, inhuman or degrading treatment. This prohibition is enshrined in the Geneva conventions of 1949 and their additional protocols of 1977, in the Convention against torture of 1984 and in other international and regional legal instruments⁶.



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Last Updated: 29 September 2020



Source: ohchr.org

As of June 2021, 171 states have ratified the Convention against torture. Oman is the latest country to join the convention. The government of Fiji has also notified the Secretary General of its decision to withdraw the reservation to article 1 concerning the definition of torture. Many efforts have been made by states in recent years to fight against all forms of torture. For example, in Uzbekistan, a bill has been proposed to establish an independent mechanism to receive complaints of torture.

However, despite its seriousness, the crime of torture is committed all over the world, sometimes with total impunity. For example, between 2001 and 2009, dozens of people were detained in a secret detention program run by the CIA, that resulted in systematic human rights violations in USA, including torture and other ill-treatment. Today, none of the alleged perpetrators had been brought to justice. The few investigations that have been launched have either been unsuccessful or have been closed without charges being brought against anyone. We can also cite the case of Kyrgyzstan where cases of torture were reported in police custody. The UN experts have denounced the impartiality of the investigations into the allegations of torture of several victims. In Lebanon, four years after the 2017 anti-torture law was passed, perpetrators of torture still enjoyed impunity. Complaints rarely went to trial; most were dismissed without any real investigation.

⁶ Universal Declaration of Human rights of 1948 (article 5); International Covenant on civil and political rights of 1966 (article 7).

Current national torture situations

ASIA

Azerbaijan

Several governments intensified their crackdown on dissent, using COVID-19 pandemic as pretext. For example, dozens of opposition leaders and activists were arbitrarily arrested and detained in Azerbaijan. Lawyers were harassed and there continued to be numerous reports of torture and other ill-treatment in detention of persons crucial of the government. Alerted by videos posted on social media, NGOs have denounced the mistreatment of Armenian prisoners of war by Azeri forces. In addition to physical violence, the captives are victims of humiliation. Officially, no investigation has been opened into these torture allegations.



Source: thearmenianweekly.com

Bahrain



Source: AFP photo / Mohammed Al-Shaikh

In some countries, such as Bahrain, police forces often use torture during interrogations to extract confessions. Courts continue to convict defendants after unfair trials and on the basis of coerced “confessions”. This appealing technique is completely contrary to international standards of due process. Recent trials have sentenced people to death on the basis of confessions extracted under torture. These decisions demonstrate the bleak human rights situation in Bahrain and show the regime’s stranglehold on the country’s corrupt judicial system.

Myanmar

Since the coup that took place in February 2021 which ousted the National League for Democracy government led by Aung San Suu Kyi, soldiers accompanying paramilitary and civilian police have beaten and shot their way through pacifist rallies with increased intensity. There have long been credible reports of torture and other ill-treatment in detention in Myanmar. They have intensified since the coup. The escalation of the repression by the military has resulted in horrific acts of violence. Some NGOs have



Source: REUTERS/Stringer

reported that activists are being scalded and disfigured by chemicals. Several detainees in recent weeks have died in detention in unexplained circumstances.

China

Source: Denis Balibouse/Reuters



In China, images of members of the Muslim Uighur minority reopen the debate on the respect of human rights. In the name of fighting terrorism, Xinjiang is being subjected to a security takeover that amounts to a crime of genocide. More than one million Uighurs have been interned in camps and are subjected to horrific abuse and torture. In recent statements, several experts on the Uighur question have claimed that the Chinese regime has implemented systematic sterilization of

women. Although a tribunal has been formed to examine the allegations against China, these atrocities must stop at all costs. The Chinese government's inability to stop these crimes, let alone punish those responsible, demonstrates the need for strong, coordinated international action.

North Korea

Although North Korea is a very closed country and little information is available about the functioning of its judicial system, dozens of former detainees have reported being tortured. The Office of the High Commissioner for Human Rights reported that torture, as well as psychological abuse and forced labour, were commonplace in North Korean prisons, constituting possible crimes against humanity. The OHCHR also expressed concern about the situation of female detainees and called on the country to stop the rampant and cruel torture and degrading and inhumane treatment in detention centres.

Source: AFP Photo & Wang Zhao



EUROPE

Belarus

Source: EPA



Since the highly contested re-election of Alexander Lukashenko in August 2020, Belarus has been the scene of arbitrary arrests and acts of ill-treatment and torture against protesters by police forces. Numerous testimonies of victims demonstrate the systematic brutality of the repression by the Belarusian authorities. While thousands of peaceful demonstrators took the streets, journalists were also targeted. The bloody scenes in the streets of the

country that the world has witnessed are also taking place in the prisons where the conditions of detention are awful. The campaign of torture orchestrated by the Belarusian authorities has become dangerously widespread. In May 2021, opponents of the Belarusian leader's regime have filed a complaint for alleged acts of systematic torture with German courts. An opposition journalist was recently arrested after his flight was diverted to Minsk, and was tortured in prison, according to reports from various human rights NGOs. The escalation of human rights violations in Belarus is alarming and various states have taken sanctions against the country. It is necessary to continue to put pressure on the Belarusian government to stop these violations.

Russia

Belarus is supported by Russia, which practices the same acts of mistreatment and torture against opponents of Vladimir Putin's regime. This is the case of Alexei Navalny who complains of having been tortured in Russian prison. Several NGOs are also concerned about the conditions of detention in Russian prisons after reporting cases of torture. Torture remained endemic, as did the almost total impunity of torturers.



Source: Alexander Nekrasov / TASS

LATIN AMERICA

Colombia



Source: Fredy Builes/Getty Images

Several NGOs have reported serious human rights violations, with people being killed on the streets and tortured in Colombian detention centres. The UN special rapporteur against torture has also condemned the violent repression of demonstrations in Colombia that has killed dozens of people in May 2021. Colombian authorities have been guilty of torture and excessive use of force since peaceful protests began in response to a tax reform bill introduced by the Colombian president. Numerous NGOs have denounced the militarized intervention and violent police repression. Similarly, NGOs reported numerous acts of torture, including beatings, threats and electric shocks.

Venezuela

Source: Edgloris Marys / Shutterstock

In Venezuela, the regime of Nicolás Maduro is strongly contested, and the authorities have continuously attempted to dismantle any form of political dissent by committing serious human rights violations, including the use of torture, enforced disappearance and arbitrary detention. Based on 270 interviews with victims, the UN experts denounced multiple systematic human rights violations committed by the Venezuelan



government, including acts of torture. According to their study, most of the unlawful executions carried out by security forces and state agents have not been prosecuted. It is necessary to pay special attention to the human rights situation in Venezuela. The government must not forget that these violations may constitute crimes under international law that will not go unpunished.

Mexico

Source: Reuters



Of tens of thousands of investigations into the use of torture in Mexico since 2006, less than one percent have ended in convictions. This demonstrates the country's inability to combat such abuses such as torture and ill-treatment. Most of torture allegations recorded in Mexico were attributed to the armed forces, which former President Felipe Calderón deployed to the streets nearly fifteen years ago to battle Mexico's organised

crimes groups in a "drug war" that wages on today. Similarly, women are also highly affected by sexual torture and cruel inhumane treatments during custody and in prison.

AFRICA

Nigeria

Torture and ill-treatment remain a widespread practice in the daily operations of the Special Anti-Robbery Squad and in its detention centres in Nigeria. The systematic use of torture and ill-treatment and the existence of torture chambers within the police force demonstrate a complete disregard for international human rights law. Yet, to date, Nigerian authorities have not prosecuted any member of the SARS. These policemen have become criminals themselves, attacking innocent people. They target vulnerable people and arrest them on the grounds that they look like criminals.

Source: Getty images



Mozambique



Source: André Baptiste / VOA

In recent weeks, northern Mozambique has seen an upsurge in violence. Combatants belonging to a group known locally as Al Shabab have attacked security forces and villagers. Since October 2019, this armed group has committed multiple abuses, including torturing civilians. Cabo Delgado province has suffered from neglect and underinvestment for decades, a problem compounded by natural disasters and the COVID-19 pandemic. Several videos collected by NGOs have shown the torture of prisoners.

MIDDLE EAST

Iraq

According to several sources, the practice of torture has increased in Iraqi prisons due to the COVID-19 pandemic. Iraqi prisons are overcrowded, the detainees are without minimal hygiene and adequate ventilation. Torture and ill-treatment continue to be committed regularly by security forces and militia members in a climate of total impunity. Iraqi prisons are run like slaughterhouses. The most frequently reported methods of torture include suspension, the use of electric shocks... However, the Iraqi authorities have shown no political will to investigate allegations of torture and other ill-treatment in detention.

Source: KEYSTONE/AP/BRAM JANSSEN



Iran



Source: Eslam Mohamed

Since the November 2019 nationwide protests in Iran, police, intelligence, security forces and prison officials have committed terrible human rights violations. Among those arrested in the uprising, a large number of children and adolescents. The arrested protesters were imprisoned in Shiraz prison where they were tortured blindfolded, hung from the ceiling and beaten. Iranian opposition and NGOs have called on international bodies to take urgent action to secure the release of detained protesters subjected to torture and executions.

Egypt

Source: Egypt Latest News



Since the removal of the Islamist President Mohamed Morsi by the army in 2013 and the coming to power of Abdel Fattah al-Sissi, the security services have conducted a ruthless crackdown on all forms of opposition. Under these conditions, minors were tortured during pre-trial detention, usually during interrogation while held incommunicado. This mistreatment of children has

been exacerbated through violations in due process and unfair trials. Based on testimonies of detainees, NGOs denounce these acts of torture that have become routine in civilian prisons and military detention centres in Egypt.

Libya

Since the beginning of the migration crisis, an increasing number of migrants intercepted in the Mediterranean by the Libyan coast guard have been sent to unofficial detention centres upon their return to Libya. In 2020, Libya has seen an increase in kidnappings and torture of migrants by militia groups, who exhort ransom payments from desperate family members. This climate of terror must end, and the Government of National Unity must order investigations into torture and other crimes committed by armed groups.



Source: AFP

Yemen

Source: AP Photo / Nariman El-Mofty



For over six years, the warring parties in the Yemeni conflict have continued to flout international human rights and humanitarian law. Human rights experts have even denounced a “pandemic of impunity in a tortured country”⁷. Yemen’s belligerent parties use secret prisons to disappear and torture detainees. In detention centres, prisoners were subjected to a wide range of torture that included nail removal, forced nudity and threats to rape them and their families.

⁷ UN Group of Eminent International and Regional Experts on Yemen releases their third report Yemen: A Pandemic of Impunity in a Tortured Land, September 2020.

Occupied Palestinian Territory

Source: ABNA press TV

NGOs and human rights experts have asserted that since its inception, the Israeli occupying power has developed and implemented laws and practices that have led to both the systematic use of torture and absolute impunity for the perpetrators of these crimes. These include beatings, sleep deprivation, stress positions, sexual harassment and other



equally horrific acts. Israel's mistreatment of Palestinian prisoners is done regardless of their political party, ideology or age. After the events of May 2021 in Jerusalem, in addition to the assassinations, kidnappings and summary imprisonment of men, women and children, civil society denounced the acts of torture committed on the Palestinian people. As evidence of torture and other ill-treatment perpetrated against Palestinian people by Israeli authorities continues to mount, so should the investigations and indictments of the International Criminal Court.

Syria

Source: AFP/Getty Images



Ten years have passed since the start of the uprising in Syria. During the war, torture was used to extract confessions from detainees and experts said at least twenty different horrific methods were employed by the government, including burning body parts, mock executions, suspending people from one or two limbs for long periods of time. These methods were both physical and mental and had

severe long-term consequences for detainees. Recently, the Dutch and Canadian governments have demonstrated their willingness to hold the Syrian government accountable for "gross human rights violations" under the Convention against torture. Although the Syrian government has denied these accusations, prosecutions must be stepped up to ensure that those responsible for these acts do not go unpunished.

Conclusion

Torture constitutes a war crime during an armed conflict and when it is used in a systematic or widespread manner, it also amounts to a crime against humanity. At any time and under any circumstances under international law the use of torture is an absolute prohibition. As States struggle with their response to violent extremism, it is basic to remember that torture can never be used to fight terror; in fact, torture terrorizes. The use of torture is wrong from a moral point of view⁸ and also from a strategic and a legal standpoint⁹.

The very cause of democracy is being hurt by practicing torture and justice and human rights are being undermined with this practice. Victims of torture have the right to compensation and rehabilitation. They also deserve to know the truth, and this is why it is so critical to investigate instances of torture, identify the perpetrators and bring them to justice.

GICJ position

On the International Day in support of victims of torture, Geneva International Centre for Justice wants to remind that despite its absolute prohibition, torture is still practiced and continues to cause thousands of victims around the world. We honour and support victims and survivors around the world. This day of June 26 is an opportunity to break the silence surrounding this practice and to give a voice to the victims of torture who have been hurt in their flesh, in their soul and in their dignity. GICJ calls on states to refrain from using torture to silence dissent, and to stop the authoritarian repression of the population and the infringement of their fundamental rights. GICJ remains committed to put an end to impunity for reported torture and to finding and convicting the perpetrators of these horrific crimes. An appropriate legislative framework and institutional mechanisms allow for prompt and effective investigation, prosecution and punishment of those responsible for violations. We support the work of the United Nations and the Committee against Torture in implementing the 1984 Convention which should be signed and ratified by as many states as possible. GICJ encourages all states to ensure full compliance with their international and national commitments in the fight against torture. It is urgent to unite and support the thousands of people who have been or are still victims of torture through rehabilitation programs. The collective mobilization of the various human rights actors (United Nations, States, NGOs...) is necessary and must be a priority in the fight against torture and other ill treatment.

⁸ Clucas, B., G. Johnstone and T. Ward (eds.), 2009, *Torture: Moral Absolutes and Ambiguities*, Baden-Baden: Nomos.

⁹ <https://www.ohchr.org/EN/Issues/Torture/UNVFT/Pages/IntlDay.aspx>

Geneva International Centre *for* Justice

(GICJ)

Independent, non-profit, International non-governmental organization

GICJ is an independent, non-profit, international non-governmental organization dedicated to the promotion and reinforcement of commitments to the principles and norms of human rights. GICJ is headquartered in Geneva, Switzerland and is governed by the Swiss Civil Code and its statutes. Basing its work on the rules and principles of International Law, International Humanitarian Law and International Human Rights Law, GICJ observes and documents human rights violations and seeks justice for their victims through all legal means available.

Mission: GICJ's mission is to improve lives by tackling violations and all forms of violence and degrading or inhumane treatment through the strengthening of respect for human rights; reinforcing the independence of lawyers and judiciaries; consolidating the principles of equity and non-discrimination; ensuring rule of law is upheld; promoting a culture of awareness on human rights; and combating impunity.

Work: GICJ has been tackling issues of justice and accountability since it was established. GICJ maintains a partnership with various NGOs, lawyers and a vast civil society network around the world. Through these channels, GICJ is able to receive documentation and evidence of human rights violations and abuses as they occur in several countries. GICJ continues to bring this information to the attention of relevant UN bodies in order to gain justice for all victims.

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Independent non-governmental organization



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