

Reflections on 30 years of anti-torture experiences

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On the 30th anniversary of the Torture Journal, I offer my sincere congratulations to the Journal editors, staff and contributors for their success in providing a space for analytical and practical thinking on one of the most challenging and enduring problems of humanity – torture. In thinking about those years, I would like to share some reflections that I hope will be useful to future generations in securing a world without torture.

In 1991, after my training in internal medicine, I started a post-doctoral fellowship with Robert Wood Johnson Clinical Scholars Program at Stanford University. In conducting a qualitative research project on human suffering, I approached a treatment center for survivors of torture in San Francisco, Survivors International, seeking a collaboration. We not only provided medical and psychological care, but also social and economic support in the form of job placement and food assistance. We conducted asylum evaluations to assess physical and psychological evidence of allegations of torture, which had a profound effect on adjudicators' decisions. Asylum approval rates increased from approximately 5% or 10% to more than 90%. In the early 1990's, the U.S. contribution to the U.N. Voluntary Fund for Victims of Torture increased tenfold from \$500,000 annually to \$5 million; and the Office of Refugee Resettlement was provided a budget of \$20 million to establish and support

treatment centers for survivors of torture in the United States.

Of course, one thing led to another. In 1992, I attended a Physicians for Human Rights (PHR) conference on medicine and human rights. Given my newly acquired skill of documenting clinical evidence of torture, I was asked to participate in several PHR human rights investigations. The first one was documenting the excessive use of force and disappearances of pro-democracy demonstrators in Thailand, and then, investigating and documenting torture, political killings, disappearances, rape, and attacks on health professionals and facilities in Kashmir and Punjab, India.

Through my 27 years of work with Physicians for Human Rights, I came to understand the power of medicine and science to prevent human rights violations and hold perpetrators accountable through effective investigation and documentation practices. At PHR, we have documented the health consequences of a wide range of human rights violations including genocide, war crimes, crimes against humanity, torture and ill treatment, the use of chemical weapons on civilian populations, war-related sexual violence, landmine injuries, excessive use of force in crowd control settings, child labor practices, HIV/AIDS policies, attacks on health professionals and facilities and many more. In 1996, PHR was co-recipients of the Nobel Peace Prize for as

a co-founder of the International Campaign to Ban Landmines.

While the documentation of human rights violations can have a profound effect on prevention and remedial reform, it was apparent from my point of view from working in the field that the realisation of any one right, such as freedom from torture, depended on the protection and promotion of other rights, for example, in the case of torture, the rights to due process, freedom of speech, peaceful assembly, education, work, and the right to vote. I came to understand what human rights advocates already knew, that human rights are universal, interdependent, and indivisible. As social claims articulated in the aftermath of the horrors of World War II and the Holocaust, human rights represented a unified vision of a just and peaceful world, free from fear and want. However, as a health professional seeing the extraordinary health consequences of violations of civil and political rights and unrealised human needs, human rights represented more than a moral vision of the world and legal duties of States; they also represented the necessary conditions for health as defined by the World Health Organization, “a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity.”

Unfortunately, simply envisioning a world free from torture through the protection and promotion of human rights does not make it so. In 1853, before the Civil War in the United States, a slavery abolitionist and Unitarian minister, Theodore Parker, wrote that “The arc of the moral universe is long, but it bends toward justice.” Yet, the truth is, the moral universe is what we envision it to be; and it does not bend toward justice without human intention and agency. To the contrary, one may argue that the “moral universe” is bending toward injustice and self-destruction of humanity and our planet. How, then, do we bend

the arc of a moral universe? If I have learned anything of value for future generations who seek to end torture and live in a more just world, I would offer these suggestions.

We must continue to envision the world we want to live in and codify into law, constraints and obligations on State and non-State actors to achieve that vision; and we must empower ourselves to hold States accountable. As Dr. Martin Luther King Jr. said, “Power, properly understood, is the ability to achieve purpose. It is the strength required to bring about social, political or economic changes. In this sense, power is not only desirable but necessary in order to implement the demands of love and justice.” In my own journey, I have learned the importance of codifying norms as a framework to empower civil society and to hold States accountable in their obligations to investigate, prosecute and punish perpetrators of torture and ill-treatment. Some twenty years ago, together with colleagues in civil society around the world and representatives of the U.N. anti-torture bodies, we developed U.N. standards for the effective investigation and documentation of torture and ill-treatment known as the Istanbul Protocol, standards now recognised throughout the world. Recently, these standards have been strengthened through a large-scale effort by 180 clinical, legal and human rights experts from 51 countries to include guidance for states on how to provide the necessary conditions for effective implementation of Istanbul Protocol standards. Such implementation guidance seeks to establish and maintain a sea change across legal, judicial, health and law enforcement sectors and involves awareness raising, capacity building, legal, judicial & administrative reform as well as active engagement with civil society.

Such efforts to establish norms are critical in achieving State accountability for human rights violations, but they are insufficient in

preventing such crimes in the first place. One evening in Istanbul in 1998 just after completing our final meeting on the development of the Istanbul Protocol, Sir Nigel Rodley, then U.N. Special Rapporteur on Torture, and I sat down for a dinner celebration with our Istanbul Protocol colleagues. At some point, we began discussing what it would take to end torture. Nigel argued, “Ending impunity through legal prosecutions is the only way.” I countered that, “There is no way that torture and its many cousins will end in the absence of a culture of human rights.” We argued and smiled as we each knew the other was also right.

I agree with David Weissbrodt, distinguished professor of law at the University of Minnesota Law School, who famously said, “Human rights is the first universal ideology.” The evolution of human rights during the past 70 years is largely the result of civil society compelling States to ensure the respect for the inherent dignity of all people and human

rights as the foundation for freedom, justice and peace in the world. For States to affirmatively protect, promote and fulfill their human rights obligations, the international culture of human rights must flourish and public constituencies for human rights must be represented in governance. Human rights awareness and education is essential in developing the consciousness and commitment to action in order to realize the vision of human rights.

In seeking an end to torture and, by necessity, protecting and promoting all human rights, we must make human rights count in our everyday interactions, in “...small places, close to home...” as Eleanor Roosevelt said on the tenth anniversary of the Universal Declaration of Human Rights, “...so close and so small that they cannot be seen on any maps of the world” --meaning that respect for human dignity is more than a matter of holding states accountable; it is a way of being in the world.