

From rehabilitation to prevention: The need to move one step further

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Abstract

In the 30 years in which *Torture* has been the flagship publication on organised violence and torture the world no longer can be oblivious to the prevalence or consequences of torture. The existence of documented torture provides the hardest indicator of the absence of human rights in any given country, but does this demonstration still evoke the same sense of shock or same as it did thirty years ago? This is an important question to address currently with so much evidence suggesting that democracy worldwide may be in decline and that authoritarianism is on the increase. This article looks briefly at the current situation, the role of the antitorture movement and the *Torture* journal.

What has been the impact of the anti-torture movement?

In the thirty years since the IRCT launched *Torture*, we have learned a considerable amount about torture. From the early, essentially newsletter format to the current referred and formal journal, we have gone from a small base of people working against torture to a large international community. We have gone from a publication to support workers to a journal of scientific merit. We have moved from the preoccupation with the forensic documentation of torture – so necessary to make people aware – to the careful empirical

work on how we can rehabilitate the survivors.

There is no doubt that *Torture* has hugely succeeded in breaking the silence around organised violence and torture, and we should celebrate this anniversary with much appreciation. However, anniversaries are also times for reflection and celebration and ask some of the hard questions. The most complex questions are about impact as they are always.

Thirty years ago, the old world was breaking down, and we began to talk about the Third Wave of democracy as Samuel Huntington (1991) termed it. The IRCT grew at an enormous rate during the 1990s, commensurate with the changes that were happening worldwide. Since torture was such a hard indicator of authoritarian rule, it was not surprising perhaps that the movement felt that exposing it would be an important lever in moving countries into fuller democracy. UNCAT and the Rome Statute seemed such major victories.

For the antitorture movement, empirical documentation became critical in holding governments to account, and torture became a crucial factor in testing governments' claims to be democratic. We had two aims behind the journal: rehabilitation and prevention. It is fair to say that *Torture* has been hugely successful in facilitating the former but much less successful in the latter, and it is to the latter that I want to address my thoughts. This is not to minimise the power of all the forensic work,

or the huge contributions to our understanding about trauma disorders and treatment of trauma.

A sage professor on community medicine pointed out that the big problems in health lie outside the control of health professionals. He talked about child malnutrition and concomitant diarrhoeal disease, where poverty was the major underlying factor. Removing poverty was not a medical problem but needed a major socio-political (and economic) effort. I think that much the same problem exists for torture. Like public health specialists, we can show the symptoms and point to the disease, and we can cure the symptoms, but the disease is beyond our power. Our advocacy is based on empirical evidence thirty years later, but are we any closer to curing the disease?

1991 was the beginning of a honeymoon for democracy and stopping torture, but the honeymoon was soon over. By 2002, Thomas Carothers (2002) and other political scientists, such as Steven Levitsky and Lucian Way (Levitsky & Way, 2002) were pointing this out as well, arguing for the rise of “competitive authoritarianism”. The point was that countries in which authoritarian governments wished to keep power learned very quickly how to meet the minimum bar to avoid international opprobrium, including torture. Zimbabwe was a classic example of this, and I will use Zimbabwe as a case illustration.

There were other factors that impeded the struggle for the prevention of torture. The most important of these was the “war against terror” that followed the attack on the United States by Al Qaeda, and the establishment of a worldwide campaign to eliminate terrorists by the US. The antitorture movement was hugely undermined by the demonstration of the world titleholder for democracy, and the largest military power in the world, blatantly indulging in abductions, arbitrary imprison-

ment, and torture. This undermined the moral basis of the antitorture movement in so many ways, not the least for the authoritarian states who pointed out that “do as I say, and not as I do” was an insufficient criticism of countries that practise torture. We heard about a “democratic rollback” (Diamond, 2008), and two decades later, respected political scientists are concerned whether the established democracies will even survive (Fukayama, 2014; Grayling, 2018). The ground is shifting under the feet of the antitorture movement so quickly and far quicker than the idealism that launched *Torture* could imagine.

In 1991, Zimbabwe, prompted by the changes to the international order, gave up on the one-party, Marxist-Leninist project, opened up the civil space, allowing the Amani Trust to come into being and publicly start to work on torture. It started with looking at the Liberation War victims, work published in *Torture* (Reeler, 1994; Reeler, 1995; Reeler & Mbape, 1998; Reeler et al., 2001), but this all changed in 2000 when the first serious challenge to the government’s hold came. Torture returned with a vengeance and subsequently on a mass scale. Both prior to independence in 1980 and subsequently in 2002, 2005 and 2008, Zimbabwe has seen torture on a scale that fits the bill of crimes against humanity.

This is no hidden problem, for Zimbabwe must be amongst the world’s best-documented human rights crises. There are now more than five hundred individual reports on organised violence and torture, the vast majority from 2000 onwards. The methods learned from IRCT trainings, and the literature provided in *Torture* mean that all these reports are solidly grounded in medical and psychological examination and legal affidavits. The data has been used to sue the Zimbabwe government in national courts and be taken to the UN Human Rights Commission, the African

Commission on Human and People's Rights, and even to the Southern African Development Community (SADC) Tribunal before it was disbanded. Attempts have been made to get the human rights abuses on the agenda of the UN Security Council but failed due to vetoes of China and Russia.

So, torture, abductions, disappearances, ad extra-judicial killing continue to this very day and even appear to be getting worse. Human rights defenders face increasing risks, whilst the government has learned that the international will to deal with torture is largely absent, bar rhetorical criticism and the imposition of targeted sanctions. After 30 years of hard work, it does seem that we are back where we started, and torture has faded into the background against so many other pressing problems for the international community.

My point here is that we have lost the moral high ground in the fight against torture. If the established democracies are willing to countenance renditions, arbitrary detention, and torture, then the way is open for authoritarian states to do the same and the UN to become less and less effective. We have not lost the rehabilitation battle; *Torture* is an excellent testimony to this; hundreds of thousands of victims have become survivors over the past 30 years. However, we are not winning the political battle. We are reduced to the public health solution. Ensure the little children are rehydrated, and give them antibiotics for the diarrhoea, but we are ineffective against poverty.

Perhaps we must remember how we began in the IRCT and the launch of *Torture* and return to the activist commitment that characterised those early years. Accept the technical importance of documenting torture and rehabilitating the victims, but this needs to lead into a more powerful advocacy for prevention. We can be optimistic in this: look how one little girl from Sweden has galvanised the

world around climate change and how the youth have rallied in their hundreds of thousands around the world. Margaret Mead once commented that we should never doubt what a small number of people can achieve, but it was the only way things ever changed. The IRCT may be small, but we need to turn the knowledge from 31 volumes of *Torture* into the basis for advocacy on a scale not seen before. It can be done.

However, how to address the analogy with public health?

As pointed out, the conditions that favour torture lie in the political domain and a political domain that is increasingly dismissive of human rights: just as with poverty, there are forces that work towards maintaining antidemocratic governance and undermining the gains in global human rights. One small example illustrates this, the creation of the UN Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights. In the vote for establishing this mandate in the UN Human Rights Council, 26 of the 31 countries voting in favour were rated as either *Partly Free* (15) or *Not Free* (11) according to Freedom House. Of the 14 countries voting against the mandate, eleven were rated as *Free*. Thus, one of the very few peaceful means for dealing with countries that practice torture is undermined.

However, in theory (and sometimes in practice), the overarching body that provides global oversight of human rights, the United Nations, should be the place to start. The UN Security Council and the International Criminal Court are essential to this, but the former often trumps the latter. Take again the example of Zimbabwe and the plausible allegations that crimes against humanity have occurred on at least four occasions, and twice there have been attempts to have these discussed at the Secu-

rity Council, both blocked by the vetoes of Russia and China. Moreover, Zimbabwe has signed but not ratified the Rome Statute nor the UN Convention Against Torture, so the only route was to the Security Council.

Like the Covid pandemic and the dangers of climate change, issues that require global, not national action, so it is with organised violence and torture. When the three most powerful countries in the world – China, Russia, and the United States – all refuse to be bound by the Rome Statute and have the power of veto in the Security Council, then the oversight function of the UN is weakened, and human rights are violated by narrow political interest. This is where the battle to eradicate torture must focus and removing the power of the mighty over the weak. Unless we win this battle, we will continue to treat the symptoms and not the disease.

It does therefore seem that our advocacy must be upscaled dramatically in coming years, and *Torture* can be the flagship in this struggle. Perhaps the regular inclusion of a *Torture Barometer* can be useful addition to the journal, much along the lines of the metrics provided by Freedom House or Transparency International. It might provide a way of linking the empirical to the political, and a way to shame

the countries that are actively undermining all the gains of the past two decades.

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