
on torture

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Torture in the heart of “democracies”

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“The State is just a power that keeps in its heart secret and terrible possibilities which sometimes more, sometimes less, are disguised or moderated... a power which we must face, which we must civilize, control, keep at bay and prevent at every moment from being what it should be by nature: pure power, stately power, total stately power... (In its turn) democracy cannot or does not want live up to the standards of the value system established by itself” (Kertesz, Imre, 2002: 20, 38).

The discussion of torture, as a current problem in our societies, has led some governments to try to redefine it instead of striving to uphold its prohibition. Therefore, it is worth remembering what we understand by torture. According to the United Nations Convention against Torture, it consists of “any act by which *severe pain or suffering, whether physical or mental, is intentionally* inflicted on a person for such purposes as *obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind*, when such 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.”¹

Thus, torture, by its own definition, is not catalogued as an irrational conduct of certain dysfunctional individuals, nor based on specific levels of pain, but rather as State policy (since it is executed, instigated or approved by public officials) and oriented towards obtaining information, punishment, and intimidation or discrimination of certain groups or persons. That is, the practice of torture implies a political decision that is assumed from the State as part of its institutional repressive mechanisms.

To start with, it would seem that the political decision of torturing would be exclusive of authoritarian States and would be incompatible with the democratic State based on the Rule of Law, whose legislation explicitly prohibits it. However, recent history and the current state of human rights in the world deny this hypothesis. The expansion of globalized democracies has not discouraged the political decision of torturing; instead the contrary has happened, and today we face even the unashamed media exhibition of such practices, with the tolerance and complicity of a great many of the oldest democracies.

¹United Nations Convention against Torture, June 26, 1987, <http://www2.ohchr.org/english/law/cat.htm>

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The problem of torture is inseparable from forced disappearance, a setting in which it presents itself in its most radical form. Both torture and disappearance are usually thought of as in the past, in a time that has been overcome, making it easier to enunciate. There is instead a difficulty in observing them in the very moment when the facts are taking place. And part of the trap lies herein. It is honorable, it is decent and it is acceptable to talk about past disappearances but not about the current ones, which are always questioned, always suspect of scarce objectivity, of insufficient support for the charges. And that is the way it is, and it could not be any other way because, precisely in the moment when they occur, the whole apparatus of power is being put to the service of the disappearance, the erasing, and the subtracting of proof for both practices.

As policies of memory are launched in regard to events that happened decades ago, the same democracies which attempt to get even with their past, ignore or are direct accomplices of the current violations and expect to make us participants in their silence.

Presently, it is necessary to point at the direct violations that are carried out by a group of countries within their own national territories, as the 2007 Amnesty International Report points out. Among them are mentioned, of course, the United States of America, where there is “ill treatment of detainees in the prisons and under police custody, related to the use of restrictive devices and electric shock arms. (In this context) more than 70 people died after receiving discharges from electric shock dart-throwing arms, with which the number of deaths caused by these arms since 2001 was increased to over 230. (Likewise) thousands of prisoners continued to be held in solitary confinement during long periods in maximum security facilities, in conditions which in some cases were the

equivalent of cruel, inhumane or degrading treatment” (AI: Informe 2007). The use of torture is also mentioned for Colombia, Ecuador, Brazil, Peru, Paraguay and Venezuela, with the case of Mexico particularly standing out. In regard to Europe, the use of these methods is mentioned for Germany, which “did not respect the prohibition of torture and other ill treatment in relation to alleged terrorists”; Spain, where “there were still reports of torture and ill treatment inflicted, in many cases with impunity, by officers in charge of enforcing the law”; the United Kingdom, where “the government continued to impinge upon fundamental human rights... persevering in its *attempts to undermine the prohibition of torture within and outside the country* and attempting to enact laws that contravene fundamental human rights” (AI: Informe 2007). Naturally, violations are mentioned in this same sense in other countries like Turkey, the Russian Federation, China and North Korea, among others. That is, practically all world powers presently resort to the use of torture, but I have chosen to pay attention to those countries that are supposed to be democracies and which exhibit themselves as such, precisely in order to point out the collusion between these political systems and the use of torments.

Beyond the inner scope of every nation, the 2007 Amnesty International Report also points out that: “Light was shed on more indications of systematic and reiterated abuse perpetrated by the United States *and their allies* (all of them supposedly democratic) in the context of the ‘war on terror,’ such as *secret detentions, forced disappearances, arbitrary and prolonged reclusion in isolation regime and tortures or other cruel, inhumane or degrading treatments*. By the end of 2006, *thousands* of people were still being deprived of their liberty under US custody, without

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charges or trials, in Iraq, Afghanistan and Guantánamo” (AI: Informe 2007).

In addition to these places, the existence of a superposition of legal and illegal circuits which operate in the disappearance of people at the global level is consistently documented, in the context of the anti-terrorist war.

Guantánamo is the most visible point, but in reality it is a vast network, which includes a series of detention locations, completely clandestine, known as “black sites,” operated by the CIA. These locations, distributed among several countries, are “secret interrogation (that is, torture) centers in which the detainees would be harshly treated, outside of any legal restriction” (Hersh: 38). The people detained, be it in Guantánamo or in the so-called black sites, or the “ghost detainees” in military prisons, whose identities are unknown and who are beyond any legal assistance and protection, are disappeared in the strictest sense. “Only a few intelligence officers from the countries involved know of the existence of this repressive network, concentrating, disappearing, which being illegal, operates nonetheless from the legal, hierarchical, authorized structures of the state security apparatuses... the repressive network, at once legal and illegal, excludes itself from compliance with conventions and agreements, particularly those that refer to the protection of human rights and the prohibition of torture” (Calveiro: 33). The existence of these centers is mentioned for various countries in Eastern Europe. But it is through the democracies of Western Europe that people who are detained illegally are transferred to the black sites in “prison planes.” Amnesty International denounced some 800 flights carried out to and from air space that belongs to at least eight European countries, among them Germany, Spain and the United Kingdom, for the secret transfer of abductees, which the CIA calls “renditions” (AI, 2006).

“The reclusion centers for people used for obtaining information through torture seem to be installed preferably in surrounding countries with a long tradition in the violation of rights, a kind of artificial extra-territoriality since all survivors highlight the fact that they were interrogated by intelligence personnel from North America” (Calveiro: 37). They also recount that they were subject to blows, strangling, suffocation, rape and all sorts of sexual abuse, burns, electric discharges, and dog attacks; that is, the usual treatment in cases of the disappearance of people. They also relate some relatively new techniques such as absolute isolation during months at a time, sensory deprivation of sight, hearing and touch, sleep deprivation, exposure to white noise, maintaining stressful positions, all oriented primarily towards driving the person mad, which would represent new forms of representation and exercise of power.

These practices are not unknown to anyone and, nevertheless, they are also not questioned in a consistent manner by any of the large powers, be they democratic or not, which, in their majority, practice, tolerate and silence them.

How can we understand this *persistence* of the practice of torture in democracies?

The disappearance phenomenon, within which the gravest forms of torture in our time are inscribed, can be traced back to Nazism, although there is an historical continuity between it and the previous practices of Colonial and Liberal Europe of the 19th Century (Traverso: 167-172). However, Auschwitz is a milestone and constitutes the paradigmatic model of the disappearance of Others, turning them literally into smoke, within which torture was a key element. And it was paradigmatic because it disappeared millions, because it meant to eliminate entire peoples, and also those who were sexually, sanitarily or politically different; the disappearing

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machinery in Auschwitz, as it tried to wipe out all diversity, was an attempt to disappear humanity itself.

Later, in the context of the Cold War, in which the Argentine case is inscribed, many States in Latin America again took up that disappearance imaginary, now against political dissidents and, in some cases like Guatemala, also with a strong ethnic component. Thus they adopted as a state repressive policy the use of forced disappearance and unlimited torture, which turned out to be very efficient in the annihilation of any alternative political option to North American dominion in the region. The success of this repressive modality, applied first of all in Latin American countries, seems to have been decisive for its extension throughout the world. Today, we are witnessing its expansion in the context of the so-called anti-terrorist war, as has been pointed out. In fact, war is highly functional to the disappearance of huge groups of a population and to the indiscriminate use of torment.

We are witnessing the creation of a new order, in which each day there appears more clearly not the cancellation of the State based on the Rule of Law, as is often declared, but rather the overlap of it with a State of Exception. The democratic State based on the Rule of Law, respectful of individual rights, rules for some – us – at the same time that it protects exceptionality; it becomes a State of Exception in regards to others, be they suspects of terrorism, “petty criminals,” or simply poor women of mixed race, as happens with the increase of femicide in various countries. It is a two-faced State, reversible, which appears and disappears rights depending on the face that it wants to present.

While torture is prohibited in some cases, through ratification of international agreements, it is practiced and protected in

others. Thus, even States that call themselves democratic are not willing to give up this prerogative, but rather they maintain the decision of keeping it and using it.

In a culture that has made disappearance a form of exercising power, this “magical” appearance and disappearance of rights cannot be surprising. A similar game corresponds to it, with the use of torment. Governments deny its use and feign surprise when faced with denunciations, in a maneuver of the removal of torture from reality for the public eye. But at the same time they do this, they exhibit its practice and “naturalization” in a thousand ways. I will mention only three as extremely clear models of the mechanisms of making torture visible and acceptable in our democratic societies: 1) the pictures from Abu Ghraib, which traveled the world without leaving any doubt about its application in the context of the so-called anti-terrorist war and without generating effective policies for stopping it; 2) the terrifying exhibition of the most atrocious forms of torture by criminal networks, obviously protected by corporate States with democratic formats, without those States taking responsibility; 3) the insistence with which films, television and even music introduce and naturalize torture in the hands of the military, policemen and criminals, which become confused one with the other, both on the screen and in reality.

This denied torture which however appears everywhere is part of the disappearance game. For disappearance to have its terrifying effect, it is necessary to show and deny its existence, pointing at the hand that carries it out without assuming the responsibility.

When the State opts for the disappearance of people and their unlimited torment, it presents this abuse as a battle for “truth,” in order to attain important information capable of saving lives, other lives, “true” lives; that is, it claims to penetrate into the truth of the real

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or imaginary enemy so as to build “its” truth. Torture is presented as a struggle for truth that is carried out on a body, but in reality the battle that is carried out with torture is a very different one. The alleged “truth” of torture is like a torch held by the torturer and its logic. If for an instant we invert it and point it at the face of the perpetrators, the State, the practice of torture in current democracies sheds light on another truth that has remained in the shadow, and it is that as long

as they can keep the control of the State, the small elites that manage our democracies prove willing to preserve all prerogatives of power, all its strength and all its impunity, in a disturbing closeness with the absolutism from which they once attempted to distance themselves.

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