

FIVE PROPOSITIONS CONCERNING TORTURE

The Agreed Statement of the Mornington Peninsula Human Rights Group

1. Torture violates the inherent dignity of the human person.

A belief in the measureless value of each person undergirds the *Universal Declaration of Human Rights* and the various conventions that have flowed from it. This belief, common to many religions and philosophies, cannot be proved, but it can be demonstrated. The examples of saints, humanitarians, and all whose lives have helped ease the sufferings of others, bear witness to this belief. Torture demeans those who are tortured, those who authorise, inflict and oversee torture, and the society in whose name the torture is administered.

2. Torture is rightly banned in international law.

The ban is absolute and unconditional: there are no exceptions. The experience of Israel, which legalised torture from 1988 to 1999, shows that only an absolute ban is a practical policy. Once torture is officially allowed, it is impossible to control or limit its spread. Nations need to have laws for charging, trying and punishing those who breach the ban. The 'ticking bomb' scenario, often used to justify the use of torture, especially in television and cinema, is so improbable as to be unbelievable. Nevertheless, it is theoretically possible and represents the price that may one day have to be paid for adopting a total ban. On the other hand, as the examples of France in the Algerian War, the United States in the Vietnam War and Israel during the First Intifada have shown, there is an enormous political and moral price to pay for sanctioning the use of torture.

3. Torture is unnecessary.

Mirko Bagaric, head of Deakin University Law School, and others have argued that torture is a necessary evil in the fight against terrorism. In practice, however, torture yields unreliable intelligence. The evident purpose of using torture in the 'war on terror' is to punish those who dared to bomb American cities and those who dare to support them. The new US army field manual, *Human Intelligence Collector Operations* (2006), states: 'Use of torture is not only illegal but also it is a poor technique that yields unreliable results, may damage subsequent collection efforts, and can induce the source to say what he thinks the collector wants to hear'. There are better alternatives. The US military has since 2006 returned to its traditional interrogation methods, methods the Federal Bureau of Investigation (FBI) has never abandoned. These involve 'rapport building' and patient police work checking and cross-checking statements. These methods are slow, but they have been shown to produce reliable intelligence and, when necessary, the results stand up in a court of law.

4. Torture is counterproductive.

Before the Abu Ghraib scandal broke, a poll showed that 63% of Iraqis supported the occupation. One month afterwards the support dropped to 9%. The images of Abu Ghraib have been used by Al Qaeda as a powerful recruiting tool around the world. Torture radicalises enemies and stiffens their resistance. US Senator John McCain, a prisoner of war for five and a half years in Vietnam, argues powerfully that full support for the *Geneva Conventions* and for the monitoring role of the International Committee of the Red Cross is an important protection for prisoners of war. The use of torture, on the other hand, endangers a nation's armed forces.

5. Torture undermines a nation's moral authority.

The US State Department is required each year to submit to Congress 'Country Reports on Human Rights Practices'. These reports are detailed assessments of the human rights record of every country in the world, except the USA itself. Human Rights Watch, an independent, non-governmental human rights organisation, has described them as 'largely candid and accurate'. Over the years they have had tremendous moral authority. The reports have condemned as torture such practices as sleep deprivation, prolonged isolation, environment manipulation, stress positions and humiliation, in countries such as Syria, Egypt, Pakistan, Burma, Iran, China, Jordan. Yet these same practices were officially authorised for US troops in 2002 by Secretary of Defense Donald Rumsfeld and, although now banned for the military, they continue to be available to the Central Intelligence Agency (CIA). Why should countries which routinely practise torture heed a United States whose morality is questionable? Torture undermines the moral authority both of a nation and of its leaders. The breaches of international law by the Bush Administration weaken the authority of America abroad, and bring shame to America's leaders, to America's citizens and to citizens of America's allies.

These five propositions were agreed to by the following participants in the Symposium on Torture, 5 May 2007:

Will Anderson, David Ball, Trish Ball, Tallace Bisset, Marguerite Brennan, Rosemary Brown, Marj Carroll, Hans Christiansen, Colleen Clayton, Catherine Eaton, Bonnie Einsiedel, Elspeth Fleming, Andrew Grummet, Margaret Grummet, Tony Helm, Helen Howells, John Howells, Robyn Hughan, Peggy Kerr, John Lukies, Cath Lyons, Maggie Mackie, Casselly Main, Val McKenna, Christine Mogford, Alan Nichols, Lois Pilkington, Norman Pilkington, Gail Price, Margaret Ray, Bree Ridgeway, Edwin Roberts, Patricia Rodriguez, Pat Spencer, Bob Spencer, Colin Thornby, Steve Warne, Peter Wilson.