

TORTURE REPORT FOR AMNESTY INTERNATIONAL

BY

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This report on torture is intended as a comprehensive reference work to guide the efforts of Amnesty International groups in connection with their concentration in 1973 on the torture problem. It will be completed by the 1st March, 1973.

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I. Affidavits

- A. Western Bloc
- B. Third World
- C. Eastern Bloc

II. General Introduction

A. What is torture?

- 1. Problems of definition
  - a. cultural differences vs. universal standard
  - b. degree, duration and purpose.
- 2. Definition

B. History

- 1. The incidence of torture in the past
- 2. Major features and common elements of use of torture in the past

2.

a. Political factors

1) Motives

a) Maintenance of political power,  
economic or social privilege

b) Punishment and deterrence

2) Existence of authoritarian government

3) The victims

b. Ideological factors

1) Manicheanism: division of society into  
the torturable and the non-torturable

2) Need for conformity

A. Focus of this study

1. Torture by the state and its agents

a. States in civil or colonial war

b. States at internal war

c. States not at war

2. Spectrum of state responsibility: from  
"isolated acts" to "administrative practice"

III. World Survey

A. Evidence

1. Collection of evidence

a. inherent difficulties

b. Bias of information (e.g. Eurocentric bias,  
bias toward the educated, the well-known)

2. Standard of Proof

a. Evaluation of evidence

b. Distinction between allegation and proof

B. Country-by-country Survey

1. Country A

a. History (emphasis on present, with relevant  
background information)

b. Human rights guarantees

1) domestic (e.g. constitution, common law)

2) international (e.g. United Nations  
Ratifications)

3.

c. Torture

- 1) Does the practice exist
- 2) Motives
- 3) Is it administrative practice
- 4) Is it done by colonial, civil, military police
- 5) Allegations
- 6) Proven torture cases in last five years or under present government
- 7) Government's official position on torture

2. Country B

- a. b. c. etc. (As Above)

IV. Medical and Psychological factors

A. Torture victim

1. Effect of torture
  - a. Impact on victim and resistance to "confession"
    - 1) Physical torture
    - 2) Mental torture
    - 3) Pharmacological torture
  - b. Long-term effects of torture
2. Research into effects of torture
  - a. Problems of research
  - b. Ex post facto studies
  - c. Laboratory studies

B. Psychology of torturers

1. Mental normal or abnormal
2. Torturer-victim relationship

V. Remedies

A. Acceptability of torture; the world's attitude

B. International governmental remedies

1. United Nations

a. Documents

- 1) Universal Declaration of Human Rights
- 2) International Covenant on Civil and Political Rights

- 3) United Nations Charter
- 4) Standard Minimum Rules for the Treatment of Prisoners
- 5) Four Geneva Conventions
- b. Administrative machinery and procedure
  - 1) Human Rights Commission (ECOSOC)
  - 2) History of Use and attempted use
  - 3) Recent changes in procedure and cases
2. Council of Europe
  - a. Convention on Human Rights and Fundamental Freedoms
  - b. Administrative Machinery
    - 1) Structure of Council
    - 2) Greek case as prime example
    - 3) Cases now before the Commission
  3. Other human rights conventions (e.g. South America)
- C. National Governmental remedies
  1. Doctrine of exhaustion of local remedies: no rights without remedy
    - a. constitution and legal provisions
    - b. independence of judiciary
    - c. political influences on the law
  2. Northern Ireland
    - a. torture as administrative practice in a democracy
    - b. Case history and result
    - c. Gardiner minority report
- D. Non-governmental remedies
  1. Non-governmental organisations
    - a. Red Cross
    - b. Religious organisations
    - c. I.C.J.
    - d. Amnesty International
    - e. etc.
  2. Press and public opinion
- E. Effectiveness of remedies to stop torture

VI. Conclusions

- A. Freedom from torture as a human right
  - 1. Torture in perspective
  - 2. Indivisibility of human rights
- B. Factors contributing to the practice of torture
- C. Factors tending to inhibit the practice of torture
- D. Prognosis

VII. Bibliography