

TORTURE

ASIAN AND GLOBAL PERSPECTIVES



INSIDE STORY OF THE MIND CONTROL PROJECT NEUROWEAPONS



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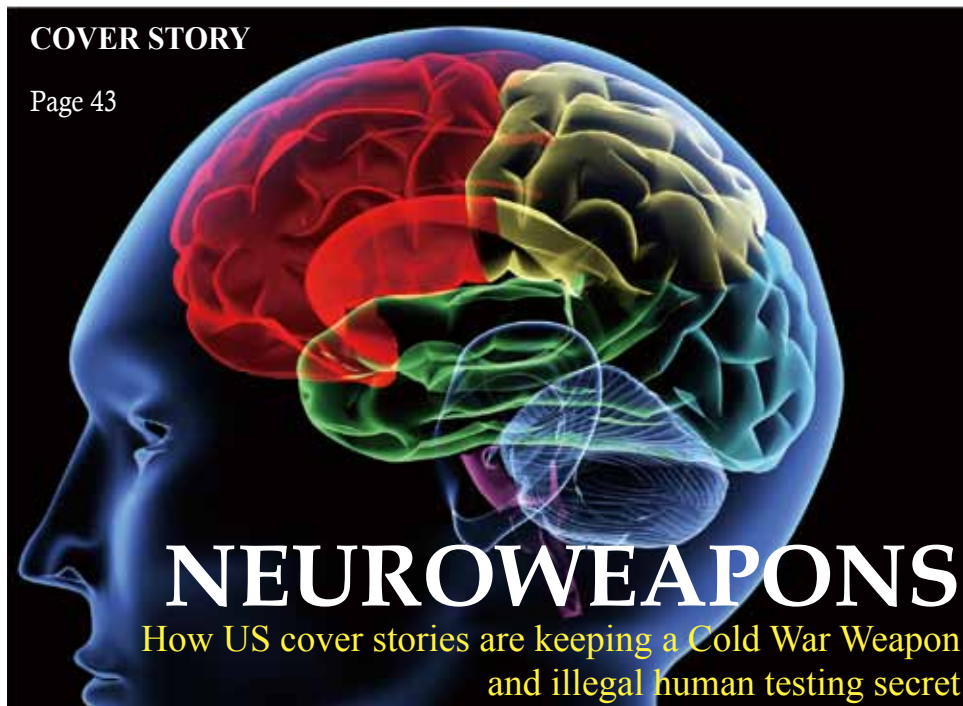
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EDITORIAL BY NILANTHA ILANGAMUWA

Trading liberty for security

"Injustice anywhere is a threat to justice everywhere", wrote Martin Luther King, Jr., in his infamous letter from Birmingham jail in April 1963. His words were aimed at the Jim Crow system and the unjust practices which prevented access to basic rights for some American People. It was the period during which African-Americans raised their voices against injustice. While they did not win their struggle, it is fair to say they were able to reach a turning point from where recognition was attained that they also had the right to think and express themselves.



(Cartoon by Avantha Artigala)

"[We're] going to change the world. One day they'll write about us. You'll see," noted Viola Gregg Liuzzo, a supporter of Martin Luther King, Jr., and a remarkable human rights activist, murdered by the Ku Klux Klan after the 1965 Selma to Montgomery march in Alabama.

Decades later, in 2009, the sentiment was reproduced, by the leader of the 'free-word'

as the 'struggle for freedom'. However, the political *tamasha* we the people saw during that time gave us a different taste of reality which has extended to the present situation of prevailing and spreading political anxiety among the people. We are therefore realizing again through experience that there are demons in disguise.

Time has value if one explores one's experiences, for one's mind decides mostly by experience. We have spent centuries to understand humanity and the capacity of the human mind to preserve its sovereignty. Thereafter, we have spent more years to give form to our discoveries of morality and dignity resulting in sovereignty being confirmed through equal status until known otherwise. But, in reality neither the equality nor dignity of ordinary people are being preserved, deserved, or enjoyed, due to politics which engages stigmatic operations against real freedom. By and large, the unimaginable price of inequality has to be paid for, unconditionally, by each of us with or without our knowledge. It has directed society as a whole into its current state of anxiety.

Under these circumstances none can refuse the basic notion raised by Alain de Botton in his book *Status Anxiety* that "Life seems to be a process of replacing one anxiety with another and substituting one desire for another--which is not to say that we should never strive to overcome any of our anxieties or fulfill any of our desires, but rather to suggest that we should perhaps build into our strivings an awareness of the way our goals promise us a respite and a resolution that they cannot, by definition, deliver."

Where are we heading? What would be the end of all these anxieties we are currently experiencing? How could we, each one of us, as 'people of this generation', contribute to the form of the next step of our evolution as people?

Attack on Syria

The geopolitical situation in the world has entered another turning point in the wake

of planned military strikes on Syria where over hundreds of thousands of civilians have already perished in the war between government forces and rebels. In other words, it seems that global politics has closed in on the edge of the precipice over contradictions on "military interventions", which are the most unsuccessful strategies of reconciliation and restoration of the rule of law in certain jurisdictions. However, it is healthy news, though it can be temporary, that the United States and Russia have reached a landmark agreement on the withdrawal of or destruction of chemical arsenals controlled by the Government of Syria, headed by its long term President, Bashar Hafez al-Assad.

'Both parties reached a deal on a framework that will see the destruction or removal of Syria's chemical weapons by mid- 2014', states a report by Moscow based media.

The truth is out there, as the saying goes. The use of chemical weapons by someone against their enemies is no doubt the most heinous crime against humanity and mankind. It was not only in Syria, where recently over 1,400 people, including infants, children, and women, were killed in chemical attacks. World War II, Vietnam War, Kosovo, Libya, and infamous Fallujah, Iraq, have all taught us bitter lessons on the use of chemical weapons, though only a small number of rights groups urged for accountability on those crimes at that time. While teaching how to destroy or remove the chemical weapons preserved by the "bad guys", it's good to learn who made them first and who used them first against whom.

Duplicity has always created room for criminals and it has opened tremendous opportunities for those who want to hide the truth. It has directly attacked the system

of human justice and it has evaporated the hope of freedom.

What we have been deliberately ignoring here is our own tendency to consecrate someone, when the facts that we or our allies collected has led to the victimization of the innocent. This method has played a bad role in many places in the world. Here is where Secretary of State, Mr. John Kerry's, argument, "providing this framework is fully implemented it can end the threat these weapons pose not only to the Syrian people but also their neighbors," is not only debatable but laughable. It is enough to understand the real bitterness of this kind of political gameplay, if you are able to read at least one narrative of those victims, who were detained, in the Guantánamo bay prison on suspicion of engagement in terrorism.

Ahmad Zubair, who was former prisoner and hunger striker at Gitmo, released in 2009, noted, in a sworn statement submitted to a US court by Ramzi Kassem, "During each force-feeding, my nose bleeds. The pain from each force-feeding is so excruciating that I am unable to sleep at night because of the pain in my throat." He also explained that, at one point, the authorities arranged for his mother to call the prison, who "urged him to drop the hunger strike." Zuhair said, "My family did not know what I was going through at Guantánamo — the humiliation, the torture, the solitary confinement." How can the Secretary of State genuinely declare, that the removal or destroying of chemical weapons and arsenals would end the threat to the people, when his own room is the stage for playing the notorious game of mistreating political prisoners.

When it comes to chemical weapons, history is much clearer on the facts and the use of

them against civilians since the first use of chemical weapons in 1915-17 by Germans. Reports indicate that, the U.S. still holds approximately 5,500 tons of chemical weapons while Russia has much more, about 21,500, inherited from Soviet arsenals. At the same time, it is important to know who refused to sign the agreement on the Chemical Weapons Convention which came onto force in 1997. Signing or refusing the agreement is not important. But, the core issue is ratified by those laws. The best example is the nuclear capability that the government of Israel developed, under the pretext of threat from neighboring Arab nations. While quoting the well-known defence magazine, *Jane's*, one analyst says, "It [*Israel*] has the ability to develop an offensive chemical weapons program within several months." The major reason for many Arab countries refusing to sign the Chemical Weapon Convention is the nuclear capability that Israel has.

The crisis in Syria prevailing in this framework is not just a simple articulated formula that can be used against "bad guys", to establish one's dominant ideology among the people, but political complicity of power played against truth and justice. If one doesn't have an enemy one must first give birth to the enemy before one prepares a systematic attack on him. The theory which played out in 'Kissingerian' diplomacy has reduced its own space of play in modern political culture.

That is why the attack on Syria is not an easy game to play. What none can refuse is, as Martin Luther King Jr. said, 'darkness cannot drive out darkness.' In other words, 'badness cannot drive out badness.'

Pillay in Sri Lanka

In these circumstances, it was remarkable that Dr. Navanethem Pillay made an official visit to Sri Lanka, which was noted to be the longest visit she has made to a single country, after assuming her current office. She concluded the visit with a comprehensive, comparative, and in-depth remark on the present political structure and its motivation in the island nation.

“Despite the opportunity provided by the end of the war to construct a new vibrant, all-embracing state, [*the leadership*] is showing signs of heading in an increasingly authoritarian direction...,” noted Dr. Pillay. In her statement made in Colombo, she has given a drop of water to the people thirsting for justice and freedom. It is just a silver lining around a very dark cloud; a tiny hope for the hopeless.

Her observations constantly focused on the root causes of the problem in Sri Lanka, and its institutional collapse. The President of the country later gave a feverish answer by saying that it is laughable to say that the country which is conducting elections in time and asking for power of the people is heading towards authoritarianism.

Similar comments came from the former President of Sri Lanka, J. R. Jayawardhana, a few years after he created the most notorious constitution for the Island nation, in 1978, while introducing an Executive Presidency above the law. It was neither a module of Charles de Gaulle’s politics nor the module of the United State’s presidential system but a political curse which destroyed the last milestone of personal liberty in this country.

However, in his speech J.R.J said, “I think the UNP way was truly democratic, for they listened to the voice of the people, for ‘*Vox Papuli, Vox Dei*’, [the voice of the people is the Voice of God].” But at that time only few local people were able to recognize the true face of this untruth and almost no one from the international community opposed it.

The result: over 30,000 forced disappearances in the southern part of the country, with the entire Island left to burn in the bloodiest civil war.

Now, years later, for the first time, a key player in opinion-making in global politics, Navi Pillay, has come on track of the real problem faced by Sri Lanka, and she was able to articulate the crisis through ground realities rather than long distance predictions based on political gossip.

The present political situation is leading us to understand and appreciate the importance of personal liberty. Quoting Benjamin Franklin, American political scientist, James Otteson, noted recently,

‘Liberty is also the thing that gives us dignity. We have human, moral dignity because we have liberty. So if we are giving our liberty away in exchange for security, we’re not only losing the liberty, but we’re also losing to that same extent some of our dignity. That’s a very high price to pay and once we give up that liberty it may be very difficult to ever get it back.’

EXCLUSIVE INTERVIEW

Why Torture Is Wrong?

An exclusive conversation with Dr. Nora Sveaass



Born in Oslo, Norway, in December 1949, Dr. Nora Sveaass is a clinical psychologist who has been engaged in various parts of the world in relation to human rights and rehabilitation after torture. She is an internationally renowned psychologist who became a member of the Committee against Torture in the United Nations (UNCAT). Dr. Sveaass, who is currently Associate Professor at the Department of Psychology in the University of Oslo, recently corresponded with Nilantha Ilangamuwa, editor of the Torture Magazine. Following is the full text of an interview in which she has explored her extensive work on torture prevention and in healing the wounds which have caused a series of conflicts in society.

Nilantha Ilangamuwa (NI): Why is the study of psychology important?

Nora Sveaass (NoS): Psychology is about human beings, their existence and co-existence with others. Psychology studies human life and action in context. The human being is a whole, and mind and body cannot be understood as separate entities or apart from each other. But it is true that psychology gives special weight to the study of how the human mind works and develops, how human behaviour can be understood, described and

even explained and how human beings interact with each other. This includes the study of emotions, motivation, cognition and a lot more of course. One of the important contributions of psychology is knowledge about how human behaviour develops and how changes come about. Insight into processes and conditions for change, that is changes that happen over life span, and changes that come about as result of social processes or social events, is considered an important part of psychology. The study of behaviour change is of course especially important in a context of therapy. I will come back to this. And all what I have mentioned must be seen as elements closely linked to each other and as part of a dynamic process. Psychology has developed a lot over the last 100 years, and today, the study of psychology and what psychology as a science has obtained in terms of knowledge and insight holds a central position in many ways.. What happens in the psychological sphere in peoples' lives, whether it relates to emotions, thoughts, experiences and even mental health, may even today often be considered secondary compared to the physical body and the material world. One can often hear expressions such as "just psychological", "only mental" etc. But the psychological aspects of human life and actions represent the qualitative aspects of life. We know that a person may become extremely ill for lack of psychological stimulation, even if a lot of other basic components for survival may be present. And many people, who have experienced isolation, will say that this is the worst form of torture. That is, the body is never directly attacked with pain or suffering, but the pain that is created by lack of social, perceptual and other forms of stimuli, create not only pain then and there, but may create long-lasting suffering and trauma in the lives of those who have been exposed to this. Early research on children showed that babies could even die from

what was called "anaclitic depression", that is a serious impairment in an infant's social, physical and intellectual development, due to lack of mothering, that is close emotional contact and stimulation. The knowledge that psychology establishes has important impact in the area of health, ensuring good development for children, and forms the basis I would say also for social justice and respect for human dignity and vice versa. Lack of social justice, and violations of human dignity, have serious consequences for human psychology.

NI: In the last few decades, where has the study of psychology had a major impact on the rest of the world?

NoS: Psychology, being the study of human beings in context, with a focus how we perceive the world, how we react in the world, how we develop in this world, how relations are established and what effect this has upon us, just has to be relevant in a lot of different areas. To be quite honest, , I can think of few areas of modern life where psychology, with knowledge and insight into the human mind and behaviour, its cognitive functions as well emotional and creative ones, is not highly relevant, or at least very interesting. And by being a science with a strong academic backing, and at the same time a practical and applied science, it represents an approach with strong impact in many ways. It will be much too much to refer to all of this here. Because we are talking about a field which over the last years has seen a tremendous development in psychological study of the brain, so-called neuropsychology. This has resulted in a far better understanding of cognitive functioning, and the strong relationship between cognition, behaviour, social and emotional functioning and health. And the strength of psychology is not only in describing the processes in the brain, but it studies the functions, how these processes

in fact affect the way humans function in the world, in their bodies, and in their social world.

Psychology, given the fact that it covers such a wide array of studies, its impact is to be seen in quite different areas of society. We are talking about a science which has not only set its footprints in many places but has actively contributed to , forming, changing and developing fields as diverse as corporate management and organisations, transport and security, including how can we ensure that traffic signs are perceived as easily and correctly as possible? We have psychologists in selection of personnel, from submarines to airplanes, and a lot of risk assessment, and preparation for stress. Psychology has for long been included as resources in advertisement for commercial reasons, but also in political information and propaganda. And psychology represents an important basis of knowledge and does not in itself have value direction. Therefore there is always the possibility that psychological knowledge can be used both to enhance values related to respect for human rights, and to bring them down, such as we have seen in different situations. Based on psychological knowledge techniques for interviewing has been developed, such as ways of conducting interviews, be it for jobs, for information or for diagnostic purposes. Likewise this information has formed the bases for ways in which to interrogate as well. Good interrogation can be done according to human rights, and respectful interrogation may well be based on our knowledge of how alliances and trust are established. But psychological knowledge may also be used or misused in interrogation, where knowledge about “soft spots”, what makes people break down, etc. has been used systematically to get confessions or in other ways to humiliate people.. Different ways of creating pain, such as described above,

including inducing severe fear, addressing aspects that create shame and humiliation and the like, have all been part of torture, and this may well seem to have been built upon insights developed within psychology. It is therefore always an important challenge to ensure that psychological knowledge is not abused in contexts that are contrary to international human rights principles, and prohibitions, such as the absolute prohibition against torture, and that nothing may ever justify the use of torture.

Psychology is also about health - about understanding regular human development and psychological illness and distress of different kind, how it develops, how it is maintained and how it can be dealt with from the point of view of therapy. In particular I want to mention the strong focus on children all we today know about the needs of children and how healthy development can be ensured, and how lack of stimulation, support, safety and active recognition can be very critical in the lives of children. But back to therapy and psychological treatment - many therapeutic approaches have developed over the years, and today there seems to be a tendency for better dialogue and communication between the different schools or traditions. But what we know about human pain and stress, is also important to develop strategies for prevention, and early intervention. In particular the knowledge about effects of stress on human functioning has developed strongly the last 30 years. Active involvement in traumatic events, better ways to detect the consequences and better tools to deal with post-traumatic reactions are important. But also this rests upon early traditions in psychology, from Freud’s description of sexual violence against children, to studies of shell-shock and concentration camp syndromes from the two World Wars.

It is also worth mentioning that a lot of psychologists have been engaged in peace psychology, and in conflict and conflict-resolution activities. Again, based on psychological knowledge and recent research, this area is something that needs to be highlighted even stronger, and lead to active involvement of psychologists in this area.

NI: “Restructuring meaning after uprooting and violence and Psychosocial interventions in refugee receiving and in post-conflict societies”, was your PhD thesis. Can you elaborate on your findings with examples in those areas?

NoS: My objective was to explore ways of reconstructing lives after human rights violations and uprooting. I had worked as a therapist with refugees and victims of torture for many years and I had asked myself - what does it take from a host society to be able to, in collaboration with those who have sought protection in the country, to establish a life in exile and to re-establish a life project. This is not readily answered of course. Because this may involve a long process of rehabilitation involving psychotherapy and other forms of health care, but also because are are talking about how society can engage the newcomers and how people with refugee background can involve themselves in the new society, while at the same time dealing with the pain of the past. So part of my work was to look into therapeutic processes with refugees in Norway, in particular family therapy. But I also included a vast material from an out-patient clinic, the Psychosocial Centre for Refugees, receiving traumatized refugees for therapy and psychosocial assistance. And the results from this study pointed in an interesting direction from my point of view, as I am very interested both in the meaning aspect of people’s lives and of family and support as important conditions

for recovery and development. We saw that lack of activity, that is, no work or no activity in form of training, education programs etc. , had a detrimental effect on people’s health in exile, and this effect was clearly noted whether people had suffered severely or less severely prior to arrival. As to the importance of family, it seemed clear that the more exposed persons had been to violations and pain prior to exile, that is, the higher the rate of trauma-related distress in exile, the more important the presence of family seemed to be. These results strengthened my interest in having a family focus in my work with refugees, knowing that the social and emotional support that families can provide, may have a very beneficial impact on integration and recovery. But knowing that many families struggle, the health-effect or benefit of assisting families to cope with the different hardships in exile seem to be a matter of priority.

But I also wanted to compare the experiences from Norway to experiences from other countries, and as the University of Oslo was collaborating with universities in Central America, I was fortunate to have a semester in Managua, Nicaragua, where I could learn about how post-conflict reconstruction was thought about and worked with in the countries where the conflict had taken place. Interviews with a large group of helpers, of different categories, but all engaged in persons subjected to and traumatized by the civil war in Nicaragua, on both sides, made it clear to me that the lack of life project, and the destruction of meaningful relationships in life, including with regard to the activity that they were good at, namely war, made life miserable and meaningless, in the eyes of many of the affected. The reconstruction of activity, relationships and meaning in life, through skills training and educational activities, and reconstruction of family relationships, seemed very important to

the affected groups. Furthermore, the war-affected men and women were also offered, by some of the active NGOs in the field, so-called “moral education”, that is, groups where values and norms could be discussed. Too many had continued to live as if they were still at war, and had established a post-conflict life both with violence and drinking, and the psychosocial activities they were offered, a kind of social-therapy groups, were focusing on re-establishing the values and norms that were broken down by the war. In particular, domestic violence, sexual violence and heavy drinking were addressed, and according to many of those I interviewed both among helpers and helped ones, these interventions were regarded as highly useful and with effect in people’s lives. My study was qualitative, so exact results cannot be described, but through the study, including a very rich data-material, I definitely learned a lot about the importance of recreating meaning and relationships following severe violence and violations of human rights, and how re-engaging with society again and feeling part of a collective contributes to sense of dignity and self-worth. Because armed conflicts and authoritarian and torturing regimes break down all these aspects of human living. Thus, I have often thought about war and oppression as systematic destruction of meaning. I have taken a lot of these reflections back into my work, both clinical, research and also my human rights work, such as in the UN Committee against torture.

NI: You have been working on a project known as, “Identification of vulnerable asylum seekers in Norway and EU – a comparative study”. This is a very challenging subject and many countries are facing significant difficulties in regard to asylum seekers. At the same time, many asylum seekers are facing difficulties to get recognition by the authorities of their

host countries. What are some of the chief concerns within this subject, and what countries are having the greatest difficulties with asylum seekers?

NoS: The work with asylum seekers is a very challenging one, all over Europe. The project related to identification of vulnerable asylum seekers was actually a European project, initiated as part of evaluation of and possible changes in EU’s Reception directive for asylum seekers. This directive, defined by the European Council, the so-called COUNCIL DIRECTIVE 2003/9/EC of 27 January 2003, laying down minimum standards for the reception of asylum seekers, has an article 17 defining the following: “Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, in the national legislation implementing the provisions of Chapter II relating to material reception conditions and health care”. This said, it was important to define ways in which these vulnerable asylum seekers could be identified and provided with the care that they would need as well as protection. In Norway this has been taken up and at the moment we are defining the standards by which interviewing and identification of vulnerability can be assessed. Also, the importance of finding ways of identifying and documenting torture is an important issue. Here we are working on a plan to integrate and implement the Istanbul Protocol, the UN manual for effective investigation and identification of torture and ill-treatment. The group working with this in Norway, clearly shares the viewpoint clearly expressed also by the Committee against torture in the UN, that torture experienced prior to exile must

be thoroughly investigated and documented. This is important both to lay the ground for care and needed therapy and rehabilitation, but also because it may shed important light on the need for protection in an asylum country and it may represent an important document that persons may need in the context of redress, that is, compensation and justice.

Many of the asylum receiving countries today, despite council directives and other important policy documents, do not engage seriously enough in the identification of vulnerability, nor on torture and ill-treatment. We hope to be able to work with this and strengthen the work in this respect. It is important for treatment but as mentioned, also as documentation of wrong-doing.

But of course, many of the challenges today in relation to Europe and asylum seekers may also have to do with financial crises and problems related to an ever higher level of unemployment, the fear for the future etc. This is a realistic problem which cannot be concealed. But on the other hand, this is also an argument that is used to cover up for xenophobic and even racist attitudes. And this is not the first time in history this happens, so one must be very aware of the dangers involved in this.

NI: "Victims' experiences of transitional justice in Argentina and Peru" is another project that you are actively part of. Could you share some of your personal experiences while working on this project in Latin America?

NoS: The battle against impunity, in particular how this was initiated by human rights activists in Latin America during and after the military dictatorships, including by professionals within psychology and

medicine, was a strong inspiration and an eye-opener to me.

Much of what happened in international criminal law during the 1990s can be understood in light of this strong and engaged campaign against impunity, in particular in Latin-America. The fight against impunity began during the era of the military dictatorships, and has not diminished following the adoption of amnesty laws for crimes against humanity. In Chile, Argentina, Uruguay and Peru, psychologists, doctors, and others who worked with torture survivors and families of disappeared persons within the framework of human rights organizations argued that impunity must be considered as a continued and on-going form of torture. Impunity for those responsible for crimes against humanity was re-garded as detrimental to any reconstruction of society and incompatible with the process of healing and moving on in life. Diana Kordon, Dario Lagos, and Lucilla Edelman from Argentina, and Paz Rojas, Elisabeth Lira, and Maria Castillo from Chile are among those who have stressed the importance of not leaving this battle to the legal field alone. The fight against amnesty laws was thus also based on arguments from a psychological and trauma-informed perspective. These professionals, who have also written extensively about the experiences, are still engaged fulltime in the fight against impunity and for justice and reparation, for the survivors and families of the disappeared, and for assistance, treatment, and follow-up of people severely traumatized some from more than 30 years ago. Inger Agger, in a recent interview with "Torture" (*Volume 02 Number One: Page 05*) also spoke about this important contribution of our Chilean and other Latin-American colleagues, and she too spoke about how our professional encounter with them have

constituted very important inspiration and learning. In fact both Inger and myself have continued to work in this area since we first met with our brave friends in Latin-America, and the two of us have also had a very meaningful collaboration over the years, actively these last years with the issue of Transitional justice and the experiences of witnesses and survivors.

What our colleagues from the south have thought us, has really represented important input into the fight against impunity. But in our research project (Anne-Margrethe Sønneland and myself) we wanted also to explore more in depth - what do we actually know about the effects on mental health of impunity. What does it mean to people to experience that the perpetrators and those responsible for the crimes committed against them, and here we are talking about the most serious crimes against humanity, are protected by amnesty laws and a policy of impunity, that allow them to walk freely around and are not held to account for what they have done. This may create in them, not only a deep feeling of injustice and lack of fairness, but it fear and anxiety, and lack of trust in the society that allows this to happen. A lot has happened in relation to impunity at a global level, and today, amnesty for the crime of torture is a serious violation of the Convention against Torture. So that is why it is so important to ask: when it finally comes to initiatives to transitional justice and transitional justice mechanisms, it is important to ask: What does it mean to the former prisoners, to the tortured ones and their families, to witness in court, to tell their story in public, often for the first time? And furthermore, what about redress, in the form of compensation and rehabilitation..... Is this something that is sought, is it wanted by the affected ones? Yes, their right to receive this is there, but how do they feel about it? These are some of the questions we are

raising in our study, and we will publish our findings next year. But we see, perhaps even stronger than we had expected, that courts and legal processes are important. It represents a message about accountability, that society has acknowledged the fact the the violations have taken place etc. But equally important are the reactions of society - that is recognition of what actually happened, truth-telling and social acknowledgement of pain and suffering.

NI: You have been involved in a project on Health and Human Rights which has a very comprehensive webpage. Also you are involved in developing training material to persons involved with care to women exposed to conflict and war related GBV. Could you please describe these projects, and also inform about the manual and how this will be used?

NoS: I have often experiences that good projects aimed at assistance and support develop from the very first start each time they are required, which usually may be situation of crises and need. We wanted to put together experiences, and lessons learned in relation to psychosocial assistance and psychological help to persons exposed to war and conflict, and subjected to torture and other forms of ill-treatment. So on one hand this project is a resource data base with a lot of good practical experiences grouped together but presented in such a way that care providers, whether they are working in humanitarian crisis, such as war and conflict, or the like, or they are working with internal refugees, persons imprisoned and tortured, those who have suffered other forms of hardships and losses, given political violence and oppression, may have some input as to how to deal with and respond to such situations. In such circumstances, the problem is also that specialists and trained personnel may be far away and not available, and a

lot has to be developed then and there. We hoped that communicating the experiences of others would help care givers and inspire them in their work. At the same time we felt it was important to bridge the gap between health care professionals and human rights activists, including legal professionals in the field. To develop this website, where health care and ways of dealing with such problems are presented together with information about conventions, treaties etc. may give this extra understanding both to the human rights field and to the care and health field. Then we developed thematic pages in order to bring these aspects even closer together. Under the page called TORTURE, there is information both about conventions, methods to assess and detect, ways of assisting and providing necessary care to those exposed to this, based on a lot of experiences in the field. We include information on therapeutic principles as well as some shorter interventions. We know that this webpage has been actively used also as part of training, and we hope that our efforts with this project may be beneficial in many ways. At the moment we are developing a manual to assist those working with victims of gender based violence in conflict. We hope that after we have done completed to pilot training projects, this manual will be available on our page, and that it may prove possible to use in the work to strengthen helpers in this very serious and tragic field, of sexual violence in conflict.

NI: You are a member of the Committee against Torture, (CAT) which monitors the implementation of the United Nations Convention against Torture (UNCAT). What are the some of the positive aspects you have seen since the UNCAT was first created?

NoS. The Convention against Torture was adopted in 1984 and entered into force in 1987. This year the 25th anniversary for the

convention was celebrated in Genève at the Palais de Nation with the aim of highlighting some of the important contributions and advances that have taken place during these years. A total of 153 states have ratified the convention, meaning the states, have agreed to comply with the provisions of the convention, both in its legal system and in actual life. The state parties to the convention must bring their domestic laws in line with the requirements of the treaty. Among other things, this means that the definition of torture, as this is defined in article I, must be integrated, acts of torture must be properly defined as offences under the criminal law and penalties for such crimes must take into account the grave nature of torture. Furthermore, states must take effective, legislative, administrative, judicial or other measures, as it says in Article 2, to prevent acts of torture in any territory under its jurisdiction. This means that measures must be taken on a lot of different levels. The responsibility of the state to prevent torture, also refers to the responsibility to prevent, investigate and punish acts of torture or cruel and inhuman treatment done by non-state actors as well. I consider this as one of the very important articles of the convention, and the committee has been working very specifically with this obligation. In 2009 a General comment to this article was adopted. Here state responsibility is described more in depth, and the failure to prevent, as well as the failure to investigate and punish such acts, are seen as a serious violations. General comment No 2, in paragraph 18 states the following: "Since the failure of the State to exercise due diligence to intervene to stop, sanction and provide remedies to victims of torture facilitates and enables non-State actors to commit acts impermissible under the Convention with impunity, the State's indifference or inaction provides a form of encouragement and/or de facto permission. The Committee has applied this principle to

States parties' failure to prevent and protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation, and trafficking" (Gen.comment no. 2). With this formulation, the CAT has strengthened its position with regard to different forms of violations, in particular violence against women and girls, which too often, in much too many places in the world, have been going on with impunity, and with lack of protection, compensation and assistance to those affected. I regard this point as one of the very important steps in the 25 year history of CAT, and today one will find questions, as well as expression of deep concern and clear recommendations in relation to gender based violence and violence children also in private settings, in relation to trafficking and gender mutilation, and gender discriminate laws and regulation, such as early marriage age, non-accountability in cases where rapist marries rape victim etc.

A strong focus on training in the prohibition against torture is also among the important issues worked with. Training is required not only for uniformed personnel but also doctors, psychologists, teachers etc. As part of training, a systematic training in the Istanbul protocol is among the requirements, and this is an important condition for detecting and documenting torture, as well as a strategy to prevent it.

The most recent development within the Committee against Torture and the work to prohibit torture is the focus that has been on article 14, on the obligation of states to provide redress to victims of torture, including the right to rehabilitation. In November 2012 a general comment No 3 to article 14 was adopted. This defines and clarifies the content and scope of the obligations under article 14 of the United Nations Convention against Torture and Other Cruel, Inhuman

or Degrading Treatment or Punishment and seems to become a very important document in the process of ensuring that all victims of torture in fact may enjoy the rights they have under the convention, in particular to the right to compensation including rehabilitation. All victims of torture have the right to redress, which includes the right to effective remedy and to reparation. As formulated in the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law (UN Resolution 2005) the notion of reparation includes five forms of reparation, that is, restitution, compensation, rehabilitation, satisfaction and guarantees of non-reparation. The General comment explicitly refers to these same forms. In the general comment the Committee affirms the importance of rehabilitation as something which must be multi-disciplinary in nature and include medical and psychological care as well as legal and social services. "The aim of rehabilitation thus refers to the restoration of function or the acquisition of new skills required by the changed circumstances of a victim in the aftermath of torture or ill-treatment. It also seeks to enable the maximum possible self-sufficiency and function for the individual concerned, and may involve adjustments to the person's physical and social environment. Rehabilitation for victims should aim to restore, as far as possible, their independence, physical, mental, social and vocational ability; and full inclusion and participation in society" (GC3). Given what one knows about the effects of torture, both the short term and long-term effects, emotionally, socially and cognitively, a holistic and integrative concept of rehabilitation is vital. We hope that this general comment will strengthen the process of ensuring not only compensation and other forms of redress, but also good therapeutic assistance and rehabilitation, in line with

what we know about this from all the work that has been undertaken, and in full respect of and in full participation with the victim and his or her family.

All this said about the content of the provisions and obligations, it is important to refer to what it means to a state to ratify CAT, and how also civil society is involved in the process. In many ways this aspect is one of the central elements in the treaty body system. And during the years, the steps and structure in this process have been better and more clearly defined, so that one today has a transparency and a possibility of looking into and claim monitoring and insight that is remarkable. Ratifying means that the state has to submit reports every 4th year on compliance, that is, what has the state done to integrate and implement the requirements, both the legal ones, and implications on the ground. The committee receives the state report (the periodic report), reports from the UN system, including the special procedures, and others such as regional human rights bodies, and last but not least, the alternative information from Civil society, usually national and international Non-governmental organisations. This information is vital to the committee. These alternative reports, formerly often called "shadow-reports" often point to loopholes in the practical implementation and compliance with the convention, and frequently provide concrete examples and cases. Based on this material direct questions can be raised with the states, asking them for more information, explain why things are as described by other sources and what plans the state may have to alter this. So - in this way civil society contributes importantly to the work of the committee -and the recommendations from the committee may certainly be an important basis, not only for actions by the state, but also as support to NGO-claims regarding respect for human rights.

The treaty bodies, together with an ever stronger system to monitor and overlook respect and violations of human rights, represent important developments, and it is my strong conviction that during these years of the Torture convention being in force, a number of very important monitoring and complaint mechanisms have seen the daylight, and have proved valuable in practice. This of course became even stronger with the adoption of the Optional Protocol to the convention, the OPCAT, and the establishment of the Subcommittee, which as part of its mandate, must overlook the establishments of National Preventive mechanisms in all the state parties to the convention.

NI: Torture still exists in many parts of the world. Many of those who commit torture believe that their actions are justified and that they have the support of significant portions of the general population in many countries. This has been especially true after the rise in popularity of governments "declaring war" against terrorism. What is your opinion on this?

NoS: The prohibition against torture is absolute. There is no justification for torture, and as it is clearly stated in article 2 of the Convention against Torture -

This is written many years before the so-called "war against terror" was launched, and emphasizes that this has been the important principle since the adoption of the convention. A state that allows torture to happen not only violates international human law but creates a room that is extremely destructive. It undermines the trust and confidence that every society must contain, and such practices open up for more violence and disrespect of human rights. What was attempted as part of the war against terror was to create the picture that

better one guilty than many innocent. But there is absolutely no justification for torture. And this campaign has also been used as a way of getting rid of or pacifying opposition. A lot of human rights violations over the last years have taken place under the auspices of fighting terror. The campaigns to fight this are extremely important. In addition, it has been argued, especially from people trained in interrogation and forensic psychology, that torture, in addition to be totally wrong, also brings about wrong or false intelligence.

NI: Article One of the UNCAT defines torture as: "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. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions."

Why does torture have to be instigated by or have the consent of government officials or people acting in 'official' capacities? Does this exempt torture between private individuals, rebellious groups, criminal groups, etc.? Why are governments singled out in a definition that is intended to be universal?

NoS: Human rights is about the relationship between state and individuals, to protect individuals from abuse of power from the state. If the state does not establish mechanisms to protect individuals, they are

responsible for the results and must take action. The most important duty of states is to protect its citizens and ensure that people's rights are respected. So human rights laws deal with state vs individuals. But - the discussion raised is a very important one because it asks about the role of non-state actors in relation to violations. The main principle here is that the state in principle should also have power over, or be able to manage violence committed by them. An interesting case is the role of guerrilla fighters in conflicts. Some places they may attain a kind of state power, that is, the state may seem rather powerless in relation to them. Nevertheless, I would say that violence from such actors is violence and crime, and if there is an unwillingness or a lack of possibility on the part of the state to deal with this, then we are talking about serious human rights violations. An interesting example is Peru. The Shining Path was fighting the Peruvian government, in particular the military. Atrocities in very high numbers were committed on both sides. In the aftermath, the state has assumed a kind of responsibility also for those who were tortured or seriously affected by the guerrilla. They are providing them with reparation together with those that were subjected to human rights violations by the state itself. But, if people themselves have committed such crimes, for instance, participated in the guerrilla, then no reparation is given. But the victims have rights, regardless of the perpetrators.

NI: Article Two of the UNCAT differentiates between "cruel, inhuman, or degrading treatment" and "torture". What is the difference between the two and why are they defined separately? Also, is there any possibility of someone using an argument over these definitions to get away with torturing someone else? Can you give a couple of examples of when such a distinction would help protect human rights?

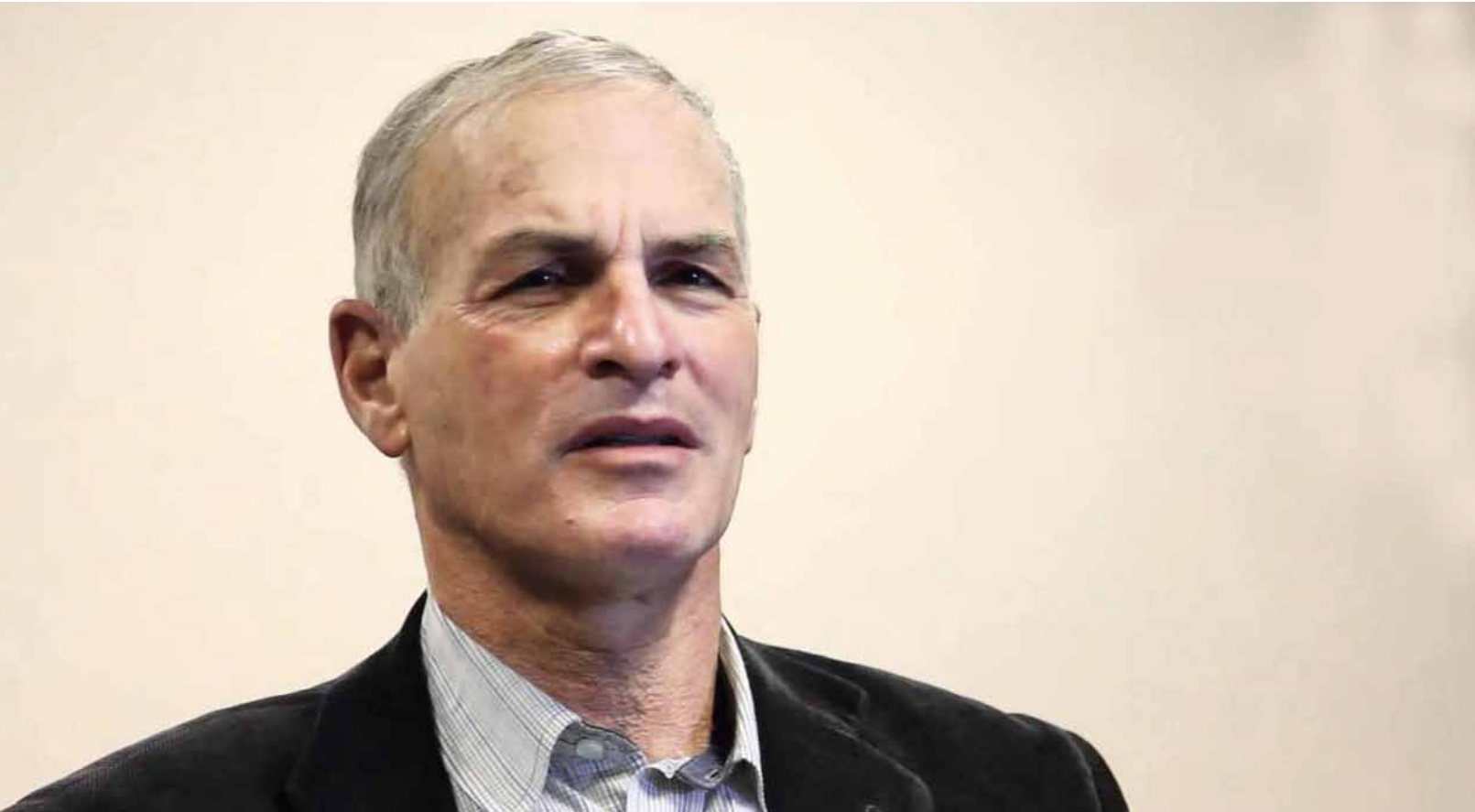
NoS: It is often referred to intent as being the difference between the two. That torture is severe pain inflicted with intent, whereas cruel, inhuman or degrading treatment or punishment (CIDT) has been looked upon as pain where the degree of intentionality is less obvious. At the same time, the term torture, or amounting to torture has also been used in situations where conditions are so serious and painful to those affected, and where the responsible one have not been capable of reducing, changing or bettering this. In such examples there has not been a clear intent to create pain, but the lack of action to reduce the pain has been so overarching that the result has been regarded by the committee as torture, or tantamount to torture. The difficulties in delineating between torture and CIDT are fully recognized. Personally I think that the most relevant text explaining the relationship between the two, is paragraph 2 in CAT's General Comment no 2. Here the following is articulated: "The obligation to prevent torture in article 2 is wide-ranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment (hereinafter "ill-treatment") under article 16, paragraph 1, are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. Article 16, identifying the means of prevention of ill-treatment, emphasizes "in particular" the measures outlined in articles 10 to 13, but does not limit effective prevention to these articles, as the Committee has explained, for example, with respect to compensation in article 14. In practice, the definitional threshold between ill-treatment and torture is often not clear. Experience demonstrates that the conditions that give rise to ill-treatment frequently facilitate torture and therefore the measures required to prevent torture

must be applied to prevent ill-treatment. Accordingly, the Committee has considered the prohibition of ill-treatment to be likewise non-derogable under the Convention and its prevention to be an effective and non-derogable measure". In other words, CIDT may lay the ground for torture, and as such must be equally prohibited and action considered to be ill-treatment, equally met with reactions similar to reactions to acts of torture.

Former special rapporteur on Torture, Manfred Nowak, elaborated the distinction between these two concepts by pointing to differences in thresholds dependant on whether the violence happens as part of detention or out in the free. For instance, violence or force committed by police in situations for instance of riot control, may be considered as ill-treatment, whereas the same acts may be regarded as torture if committed inside prisons or places where the person is deprived of liberty and has no way out of the situation. This position was elaborated by Professor Nowak in an article in the Danish journal *Torture*, some years ago, and this position created an interesting discussion of course. Today there are a number of researchers and others engaged in the field who are questioning the terms and what consequences it has to separate them. It has also been argued that agreeing to acts being CIDT, may conceal acts of torture, and as such create a space for violent acts that otherwise would have come under the total prohibition. But here I would respond that this is the reason why the point referred to above from the General comment no 2 is so relevant and important.

NI: Thank You very much for being with us.

INTERVIEW: NORMAN FINKELSTEIN



Norman Finkelstein (File Photo)

The Laws Of War **Belligerent Reprisal** *And* **Gandhian Nonviolence**

Norman Finkelstein is an American scholar, political activist, and author. He is an expert on the Israel-Palestine Conflict, the politics of the Holocaust, and the life and beliefs of Mahatma Gandhi. He earned his PhD in Political Science from Princeton University and has held teaching positions at a number of different universities. Since speaking out against the 1982 Israeli invasion of Lebanon, Finkelstein has been a vocal critic of Israeli and American military policies, especially as they apply to Palestine. He spoke with Eric Bailey from Torture Magazine on August 2, 2013.

Bailey: As a human rights magazine, one of our common themes is the targeting of civilians in conflict zones, but there is some disagreement about what defines a civilian or what constitutes targeting them.

International Humanitarian Law defines a civilian as anyone who is not a member of a nation's armed forces, but, despite the name, this isn't accepted everywhere. It's also disputed how International Humanitarian Law treats non-government militant groups and this dispute has allowed some countries to deny captured militants of their rights as prisoners of war. Some countries also extend civilian status to military personnel who are not on active duty.

As it applies to the Arab-Israeli Wars, about which you have considerable expertise, the last few decades have largely involved fighting between the Israeli military and various non-government militias in Palestine and Lebanon, and all parties seem to define civilians differently. Israelis sometimes treat children throwing rocks as if they were actual guerrillas and sentence them to life in prison, while Palestinian militants claimed that a nightclub, popular with off duty Israeli soldiers, was a legitimate military target for a suicide bombing during the Second Intifada.

Both for conflicts involving Israel and for warfare in general, do you have any recommendation for how to address these differences in how civilians and legitimate military targets are defined?

Finkelstein: Well, I'm going to give a relatively simple answer to a long question. These become highly technical issues and you can read through the scholarly literature on the subject and you end up nearly losing your mind trying to figure out what is and what isn't permissible and how one does and does not define civilians and combatants.

So in that situation, what do you do? I'm going to answer you in a matter of practicality: When you look through the human rights supports, (and here I'll speak in my own domain of expertise, namely the Israel-Palestine Conflict) in fact, notwithstanding the dizzying amount of space that is expended trying to work out these definitions, in fact there is very little disagreement even between Israel and its critics on these definitions. Where they disagree is on the facts. "Were there civilians in this mosque or were there also combatants?" "Were there or weren't there arms being stored in this school?" These come down to factual questions in most instances.

I have read through the human rights literature on both sides. I've heard what groups like Human Rights Watch, Amnesty International, B'Tselem, Al-Haq allege, and I have read Israel's responses, which are always very extensive. If you look at the allegations versus the rejoinders, there is very little debate on the technical, definitional side. Where there is debate is on the factual side.

For example, in the case of the Mavi Marmara, the Turkish vessel that was part of the Freedom Flotilla that tried to enter Gaza, at the end of the day Israel killed nine of the passengers. There wasn't really any debate about whether they were or weren't civilians. What they debated were things like whether the passengers had weapons, who initiated the hostilities, and so on and so forth. So in most instances, I don't see that there is much need to argue over the definitions. The only place where the issue of definitions has really come up is for the question of targeted assassinations and whether they are legal under international law. That one area aside, my impression is that, although there are all these complex definitional attempts by human rights organizations, I really don't find it, as a matter of practicality, to be a major issue. The issue is the facts.

EB: Speaking of matters of practicality, I'd like to ask you a couple of questions regarding something you said in a 2011 interview with the Palestinian Chronicle. In response to being asked to "unequivocally condemn" attacks against Israeli civilians, you said, "It is impossible to justify terrorism, which is the targeting of civilians to achieve a political goal. But it is also difficult to make categorical statements of the kind you suggest. I do believe that Hezbollah has the right to target Israeli civilians if Israel persists in targeting civilians until Israel ceases its terrorist acts."

This comment seems to advocate the long held view that reciprocity for attacking civilians can serve as a deterrent and actually save lives. Am I interpreting you correctly and do you still stand behind what you said?

FN: Well, there are several issues there. First of all, just for the sake of clarity, let me refer you to the technical term, which under

International Law is "Belligerent Reprisals". This is when a country or armed group has the right to engage in what are called "reprisals" in the face of attacks against their civilians, allegedly in order to stop their opponent's violations of International Law.

Now this whole issue came up during the 2006 Israeli attack on Lebanon and Sheikh Hassan Nasrallah, the head of Hezbollah, made a speech in which he said, "If you don't stop targeting our civilians, then we're going to start targeting yours until and unless you stop targeting our own." Well, Human Rights Watch, in one of its several reports on the 2006 War, condemned Hezbollah and Nasrallah in particular for making that threat and said that it was illegal under International Law. And there were several human rights sources cited in their report.

I proceeded to check what these sources themselves said on the legality of Belligerent Reprisals. I checked two sources - the ones that Human Rights Watch cited in its report. These are the Standard Customary International Humanitarian Law, Volume One: Rules, which is put out by the International Committee of the Red Cross, and a book written by a fellow by the name of A.P.V. Rogers, called Law on the Battlefield. I checked both cited references and both of those sources state clearly that, under International Law, Belligerent Reprisals are not yet illegal. So I made the obvious point that according to Human Rights Watch's own sources they can't condemn Hezbollah for violating International Law when their own sources show evidence to the contrary. I might add that the two main opponents to banning Belligerent Reprisals are the United States and the U.K. Both the U.S. and the U.K. have stated that Belligerent Reprisals are not violations of International Law.

So now let's proceed to the second question. I have given you what I understand to be the

law, but now there is a second aspect to the question, namely my personal opinion. My own personal opinion is this: as a matter of vindictiveness or the “eye for an eye” theory of justice, Belligerent Reprisals cannot be justified. I am as vindictive as the next person. I tend towards the Old Testament, moral judgment, never to forgive, never to forget, an eye for an eye, but I recognize that as a moral issue, it’s wrong. It’s one thing, what my impulses tell me, but it’s another thing, what my moral and ethical code says, and it is clearly wrong as a moral issue.

But then there is a third side of the question, and that’s whether it actually works. Because if in fact you do attach value to every human life and Israelis, with their high tech weaponry, are treating Lebanon like they’re shooting fish in a barrel, and they’re targeting hospitals, ambulances, civilian infrastructure, and killing massive numbers of civilians, then there is an argument to be made for the use of Belligerent Reprisals to stop these attacks. Consider the case of the 2006 Lebanon War where there were 1,200 Lebanese people killed and over 1,000 of them were civilians, while on the Israeli side, 160 people were killed and 120 of them were combatants. The ratios are completely reversed in both absolute and relative numbers. Absolutely, you have over 1,000 civilians killed versus 40. Relatively speaking, the victims of Israel’s attacks are overwhelmingly civilian, while the victims of Hezbollah’s attacks are overwhelmingly combatants.

So can you actually deter your adversary from targeting civilians by targeting their civilians? Consider again the explicit statement Nasrallah made during the 2006 War. Based on past experience, it was entirely valid because there were past occasions where Israel attacked Lebanon, such as Operation Accountability 1993 and Operation Grapes of Wrath in 1996, and in

each case Israel violated the implicit terms of the cease-fire by targeting civilians. At that point, when Israel started targeting civilians, Hezbollah then started targeting Israeli civilians and it escalated into a war until a new cease-fire was signed. So if it actually does work to deter attacks on civilians and you do believe in the equality of human life, as I do, then I think there is an argument to be made. I’m not saying that I endorse the argument, but I would be lying if I denied that there was an argument to be made, and not based on an Old Testament “eye for an eye” kind of logic, but on the basis of the equality of human life.

EB: Can you think of any historical examples of a conflict where Belligerent Reprisals actually resulted in a cessation or reduction of attacks on civilians?

FN: My answer is a simple no. I’m not aware of any such example. I prefaced my previous answer with the word “if”. If it actually works to decrease civilian casualties then I could see an argument for it.

EB: Continuing with the example of the 34 Day War and the similar 2008 War in Gaza, these conflicts demonstrated considerable disagreement about what constitutes the “targeting of civilians”. Hezbollah used rocket fire to effectively blockade Northern Israel, while Israel used its military to blockade Lebanon and the Gaza Strip, and all parties have called their foes monsters for having done so.

Israel, Hezbollah, and Palestinian militant groups have all accused their opponents of targeting civilian cities and towns, of striking humanitarian infrastructure such as hospitals and water treatment plants, and of using indiscriminate weapons. Israel has been condemned for its use of cluster bombs, while Hezbollah and Palestinian groups like Hamas have been condemned

for their use of thousands of unguided and inaccurate rockets to target Israeli urban centers, as well as their use of landmines, which have a similarly deadly post-war reputation to cluster bombs.

Israel continuously argued that most of their attacks on Lebanese and Palestinian urban areas were because militant groups like Hezbollah and Hamas were using their own civilians as human shields. However, there are also pictures of Israeli children visiting Israeli artillery batteries and writing some less than loving sentiments for Hezbollah on Israeli artillery shells. Israeli artillery units were also hit by rockets during the war and had such an event happened when these children were present, certainly both sides would blame the other.

So what do you make of all this? Are they all right? Are they all wrong? It seems like traditional military tactics of cutting off the enemy's supply lines, firing upon the enemy wherever he is, and taking up defensive positions in and around towns and cities are all now being condemned as crimes against humanity, but is that reasonable?

FN: No, I don't think that we have to throw our hands in the air in despair and say, "Who knows who is telling the truth?" In the case of Gaza there were about 200 or more human rights reports that came out on that massacre. There was a voluminous amount of human rights reporting that came out of that assault on Gaza, or what Amnesty International called "22 Days of Death and Destruction". So what are the basic facts about what happened? I will list them and then you can judge for yourself by looking at the human rights reports, because what I am about to say now, to my knowledge, is undisputed.

First, there was an Israeli blockade of Gaza. Second, the blockade was producing a

humanitarian crisis in Gaza. Third, there was a cease-fire in effect, beginning in June 2008. Fourth, one of the terms of the cease-fire was that Israel would gradually lift the blockade. Fifth, Israel did not abide by the terms of the cease-fire and did not gradually lift the blockade. Sixth, on the Israeli side, they acknowledged that Hamas was careful to observe the cease-fire. Though Hamas met its terms for the cease-fire, Israel did not meet its fundamental term to gradually lift the illegal blockade of Gaza. Then, on November 4, 2008, Election Day in the United States, when everybody's attention was riveted on the historical election, Israel invaded Gaza and killed six militants, knowing full well that the killings broke the cease-fire and would evoke a Hamas rocket assault on Israel. That is, in fact, exactly what happened. Throughout Hamas' retaliation and subsequent war, Hamas was willing to negotiate a new cease-fire if Israel would abide by the terms it had already agreed to in June of 2008 of gradually lifting the blockade of Gaza. Israel refused and invaded.

On the Israeli side, there were thirteen casualties (three civilians and ten combatants) and of the ten combatant casualties, four were killed by friendly fire. On the Palestinian side, 1,400 people were killed and up to 1,200 of those killed were civilians and approximately 360 of those were children. In terms of the destruction of infrastructure, on the Israeli side, just one house was almost destroyed. On the Palestinian side, about 6,000 homes were destroyed, not to mention the entire infrastructure of Gaza, which was reduced to rubble. By the end of the attack, Israel had left behind 600,000 tons of rubble.

In the face of those facts, which to my knowledge nobody disputes, it's hard for me to understand how any rational person could throw their hands up in despair and say "Who knows where the truth is?" It's quite clear what happened in Gaza. It was a

massacre. That to me is a remarkably simple and straightforward description of what happened. It was a protracted massacre over 22 days, but a massacre nonetheless. As one Israeli soldier put it, when he was asked what it was like to be fighting in Gaza, he said it was like a child with a magnifying glass, burning up ants. Well, that doesn't sound to me like a very complex moral question.

EB: No it doesn't, but that does bring up an issue that every major power seems to have faced since the 1980s in that whenever an advanced military power like the United States, Russia, or Israel go to war, it is against a foe that is so technologically inferior that the conflict seems to inevitably have extremely lopsided casualties, whether it be in regard to combatants or civilians. Do you think that having a more powerful military or having access to superior military technology creates a greater burden of responsibility on one party over another to protect civilians?

FN: Well, there are two separate issues. One issue is the pretext for going to war. I have to again exercise a degree of linguistic caution. There was no war in Gaza. There was a massacre in Gaza. Remember, a child with a magnifying glass burning up ants is not, to me, a description of a war. So first of all, was there any justification for Israel to attack Gaza? The answer is no, there was none. They had no pretext, no grounds, no alibi. It was a pure, unadulterated, unmitigated act of aggression against the people of Gaza. But that still leaves the second question. How do you assess the morality of bringing to bear a massive arsenal of high-tech weaponry against an armed force which is basically lobbing fire crackers at you? That is basically all the Hamas rockets amount to. Here, in my opinion, the Laws of War are absolutely ridiculous. They use standards of proportionality and precision, which effectively make every weapon used by the

lesser power illegal. So what does that mean concretely?

There is a term in International Humanitarian Law called "indiscriminateness". That is, if you use an indiscriminate weapon, (a weapon that can't discriminate between civilians and combatants) its mere use means you have committed a war crime, even if it hits a military target, because the weapon itself is indiscriminate. Well, what does it mean to say a weapon is indiscriminate? How do you judge whether a weapon is discriminate or indiscriminate? The answer is very simple: they use the standard of the most sophisticated technology.

So let's say I have a piece of technology that is able to hit its target with 100% accuracy, just for argument's sake. That then becomes the standard for discriminateness. In that case, if you have weapons that only have a 60% rate of accuracy, it becomes, by law, indiscriminate, and you're committing a war crime even if you hit a military target. So what happens is that the International Humanitarian Law immediately makes illegal any kind of resistance to a technologically superior power. That's crazy! If you don't have enough money or American aid to purchase the most sophisticated technology, you can't resist at all.

EB: That would certainly put any resistance group in a bind.

FN: That's correct! When Human Rights Watch put that question in one of its reports (I think it was the report on the 2006 War because they said that all of Hezbollah's missiles were indiscriminate) they said that the militants can go to the border and fire with their rifles. Oh that's really fair!

EB: I also want to get your insight on some of these issues from the perspective of your study of Gandhi. It's interesting to contrast

your statements in support of the rights of the Palestinians, Lebanese, etc. to defend themselves with deadly force with your study of Gandhi's views of "courageous nonviolence" and self sacrifice. Can you talk a little bit about what Gandhi actually believed in regards to nonviolence? Also, can you clarify your own opinion in regard to this subject?

FN: Well, the first point to make is that Gandhi himself would support the right of the Palestinians and Lebanese to use armed force to resist foreign invaders. The problem is that people talk about Gandhi, cite Gandhi, and refer to Gandhi as a source for inspiration, but without understanding Gandhi. Even scholars do this. Just the other day, I read an article by an up-and-coming Gandhi scholar, who is Indian and has a prominent academic position, and as I was reading his article I just thought to myself, "This man has clearly not read a single work of Gandhi and hasn't a clue what he is talking about."

But let's get to the issue that you raised. Gandhi, of course, was an advocate for nonviolence. About that, there can be no doubt. And Gandhi understood himself to be a principled advocate of nonviolence. However, it is an error to assume that being a principled advocate of nonviolence means one is a categorical opponent of violence. The two are not the same. Gandhi made many exceptions (I don't think he would have used the word "exception". I think he would have used the term "distinctions".) in trying to convey what he means by nonviolence.

Number one, Gandhi's view was that if you are faced with an adversary who has overwhelmingly superior force and power on his side, then if you resort to force against what Gandhi describes as "impossible odds", he says that, in his mind, that's not violence. It's a kind of attempt to die with dignity. In the Collected Works of Gandhi you can find

several examples. I'll give two, which your readers will immediately understand.

The first example he gives is of a woman who resists a rapist by biting him, pinching him, kicking him – a woman who uses violence to resist an assault on her person by a rapist. Gandhi says that the bites, the pinches, the kicks, in the end aren't violence. It's the woman trying to summon from inside herself the kind of moral resources she needs in order to die with dignity.

A second example he gives is when the Nazis invaded Poland in 1939. He said that the Nazis had their colossal war machine with their Luftwaffe and their Wehrmacht, and on the other side you have these Poles who had a few tanks and light infantry. He said that when the Poles resisted the Nazi invasion in 1939, using violent force, to him that's not violence. That's simply the Poles trying to go down with dignity. It didn't for him constitute violence.

So that's his first distinction. The second distinction, he says, is that he can advocate nonviolence, but he has no moral right to insist that others use nonviolence and are otherwise deserving of condemnation. He says this because "the accepted canons of right and wrong" say you are allowed to use violence. So if people resort to violence, he can't condemn them because under the accepted canons of right and wrong they are allowed to. What he can say is that they shouldn't use violence, which is different from saying that they can't use violence. He can try to persuade them, he can say that they cannot join his ranks unless they are committed to nonviolence, but if they choose not to join his ranks (as many Indians, including those Indians who famously cooperated with the Japanese to liberate India from British rule, chose not to do) he still supported them to the end. Actually, one of those Indians who cooperated with

the Japanese, and is therefore considered a traitor by American standards, was viewed as a hero throughout the Indian Independence Movement and Gandhi supported him. There was no dispute whatsoever on that score.

This issue came up in the 1930s when the Palestinians entered into an armed revolt against British rule and the Zionist mandate of the British at that time. When Gandhi was asked to condemn the Palestinians resort to violence, he refused. He said that, according to the accepted canons of right and wrong, the Palestinians had the right to use armed force to evict an occupier. He said that he wished they would use nonviolence, but if they choose otherwise, he has no right to condemn them.

There is another critically important aspect to Gandhi that is seldom understood for the simple reason that nobody reads Gandhi's work. Gandhi's highest value was not nonviolence. People often don't know that because they don't read his work. Yes, Gandhi attached a lot of importance to nonviolence. There is no question about that, but Gandhi makes it overwhelmingly clear, if you read his writings, that his highest value was courage. He found nothing more despicable than cowardice. He said that, if you don't have the inner moral strength to resist nonviolently – if you can't find the inner, moral resources to take the blows nonviolently – then you sure better hit back and hit back hard, because there is nothing more despicable, nothing more unworthy of a human being, nothing more contemptible in a human being than to run away.

He says the one thing that is even more contemptible than running away is to run away and then, when asked why you're running, to say that it's because you believe in nonviolence. No, Gandhi said that you're not running away because you believe in

nonviolence. You're running away because you're a coward and there is nothing more despicable than a coward. Actually, if you read his writings, there is one place where Gandhi actually uses quite violent language and he uses this violent language, not to condemn those who use violence, but to condemn those who are cowards. You'll see in his works that he'll say things like, "A coward does not deserve to live." He's pretty tough on that issue. Bear in mind that he is not using that sort of language against a Genghis Khan or a Hitler. He's using it against cowards!

Now you might ask the question, which often comes up, if Gandhi is so tough on cowards and he says that you should use force and violence in order to resist assaults on your dignity if you don't have the strength to be nonviolent, isn't that a contradiction in terms? Because doesn't it take more courage to fight on the field of battle than it does to be nonviolent? That seems pretty straight forward, so let's say that you take a conscientious objector, who says he won't go to war, and he nonviolently refuses to go to war, certainly people would say that that guy is a wimp compared to somebody who is willing to go fight on the battlefield. So how does Gandhi reconcile holding courage to be his highest value with his nonviolence, if in fact it takes more courage to be violent than to be nonviolent?

That's the obvious objection, but the fact is that the only reason people make that objection is because they don't understand what Gandhi means by "nonviolence". When Gandhi talked about nonviolence, he said the following: Let's take the case of two combatants on the battlefield. Each of them has a weapon. Each of them has a 50/50 chance of surviving the battle. Either one soldier will kill his opposite or his opposite will kill him. So what does that mean when it comes to nonviolence? For

Gandhi, nonviolence meant that, and I'm almost quoting him word for word, you are supposed to smilingly and cheerfully march into the line of fire and get yourself blown to bits. That's what Gandhi meant by nonviolence. In Gandhian nonviolence, you don't have a 50/50 chance of surviving. You have no chance of surviving at all! You are supposed to march into that line of fire and get yourself blown to bits.

And as you can clearly recognize, that does take more courage than being the soldier on the battlefield, who at least can hope that he or she has a 50/50 chance of coming out alive. In Gandhian nonviolence you don't have any chance of coming out alive. You are supposed to get yourself killed, or as he put it, get yourself blown to bits. So Gandhi is being consistent when he says that he both ranks courage as the highest of human values, (In his writings he showed a lot of admiration for ancient Sparta because he thought the Spartan soldiers had a lot of courage. He admired soldiers who were willing to go to battle and put their lives on the line.) while also advocating nonviolence, because he thought nonviolence requires more courage.

EB: When Gandhi said that the ideal of nonviolence is to march forward and cheerfully get blown to bits, did he make this comment before or after the Second World War?

FN: That was always Gandhi's position. In one of my books I excerpt his position from 1919 to 1947 and that shows that it's not like he changed his views on this over time. This was consistently his opinion.

EB: I'm interested to hear your opinion of his opinion, given that both of your parents were Jews, in Poland, during the Second World War, and as I understand it took part in the Warsaw Uprising.

FN: No, they did not take part; I want to be absolutely clear. Part of being faithful to my parents' memory is not to exaggerate their role. My parents were in the Warsaw Ghetto until the uprising was put down. Then after it was put down about 30-40,000 Jews were deported to Majdanek concentration camp and my parents were among those who were deported. My mother was in the headquarters of the resistance, what was called the Jewish Fighting Organization. The headquarters was Mila 18 – that was the name of the street. Actually Leon Uris wrote a novel based on that bunker. My mother was in the bunker on Mila 19 and so her bunker connected with the bunker on Mila 18, but she was not part of the resistance and neither was my father.

EB: Oh, I see. I apologize and let me rephrase the question. What is your opinion of Gandhi's views, given your knowledge of the Holocaust?

FN: Well, I'm watching closely now what is happening in Egypt (the Muslim Brotherhood protests are going on now) because, to me, Egypt is probably the greatest test of Gandhian nonviolence in the modern world. There has never been anything quite like it. You have masses of people – tens of thousands, maybe even hundreds of thousands – who have already endured two massacres and are determined to go to their deaths, nonviolently, in order to achieve the restoration of democratic rule in Egypt. Their death, their martyrdom, is real. It is imminent. It could be happening as we're speaking now, which would be the wee hours of the morning in Egypt, and I'm watching to see. Can it achieve the results that Gandhi claimed it would achieve? Gandhi said that, even in the face of the Nazi persecution of the Jews and the Nazi occupations, at some point the nonviolence would break the will of the violent oppressors. I am a skeptic on that, in general. I don't think that that is the case.

You can see that the Muslim Brotherhood has been so successfully demonized that large sections of the population would probably want to see them wiped out, but you have to look at very specific circumstances. The Nazis were able to put off what they did because it was in the midst of a war and the war gives all sorts of *carte blanche* that it's very hard to replicate in a relatively peaceful situation. The Nazis also functioned in darkness. Most Germans, of course, knew that grave crimes were being committed by the Nazi regime, but most of them probably didn't know the details of the colossal genocide that was occurring. They always had the excuse of the "fog of war". In the case of Egypt, that excuse isn't available. There is no war going on. I'm not saying that you can extrapolate from Egypt to the Nazi Holocaust, because the war gave a kind of *carte blanche*. So I won't say that if the Muslim Brotherhood succeeds that it would have worked for the Jews.

My guess is that the U.S. has given the putschists (led by General Sisi) the green light for one more massacre. There will probably be several hundred people killed, but if the Brotherhood manages, by some miracle, to stay nonviolent even after the next massacre, I think that will be the last one. I don't think the putschists can get away with yet another massacre after that.

The reason I mention this, as it may seem like a digression, is that one of the points Gandhi made, which I found to be quite compelling, is that nonviolence can achieve anything that violence can achieve, but at a far lesser cost. I am dubious that nonviolence could have achieved very much during World War Two because it was in the middle of a war and wars give everybody the pretext to drop all pretenses of humanity. However, in the case of Egypt, which is not a wartime situation, and which is in the eyes of the International Community, I think Gandhi is basically right. Let's say the Muslim Brotherhood had

resorted to weapons. They would have been wiped out! The Army would have come in with helicopter gunships and all the other weapons the U.S. supply them with, and they would have wiped out the Brotherhood. I think there will probably be another massacre, with several hundred killed. If they manage to remain nonviolent, number one, I think the government will have to capitulate, and number two, far fewer people will have been killed than if the Brotherhood had resorted to weapons.

EB: So you feel that the Muslim Brotherhood's best bet is to remain nonviolent and simply absorb this next anticipated massacre and that doing so will both save lives and give them the victory they desire?

FN: There are two "ifs" to consider. One is if they remain nonviolent, which will be very tough. If they do, I think they can achieve, probably, a significant victory; a full victory, no, but there may be a restoration of the Brotherhood with guarantees of immediate presidential elections or some compromise like that. The Army, though, will be finished. Right now the U.S. is giving Sisi a green light. That's why Secretary of State Kerry said the other day that the Army didn't commit a coup, it just restored democracy. The U.S. is giving the Army one more crack at the Brotherhood. They killed about 60 people the first time, about 120 people the second time, (That's Obama bringing democracy to the Middle East.) and now the Army has a green light to go into the triple digits and kill even more people.

If the Brotherhood can absorb that (I'm not even saying that they should. I'm just saying that if they can) then I think they can win a significant victory and achieve most of their demands, and they will have given less blood than they would have, had they given the Army a pretext to wipe them out. I do

think it is the most spectacular test, ever, of Gandhian nonviolence – a willingness to die for the cause, staying nonviolent, and staying nonviolent in the face of two previous massacres. That's pretty impressive.

EB: I want to get one last question in, regarding the recent Israel-Palestine Peace talks. Do you have any optimism for these talks and are you concerned at the exclusion of Hamas and therefore the de facto exclusion of the entire Gaza Strip?

FN: There are no peace talks and I'm not trying to be hyperbolic or polemical about it. There are no real peace talks going on for a very simple reason: There is nothing to talk about. In the negotiations in Annapolis in 2008, over which Condoleezza Rice presided, each side presented their final positions. The Israeli position was that they wanted to annex 10% of Palestinian territory, they wanted to annex the critical water resources, they wanted to annex some of the more arable land in the occupied Palestinian territory, they wanted to annex the urban center of East Jerusalem, which is occupied Palestinian territory, and they refused to even negotiate on the issue of the refugees. Israel said that the refugees had to be handled by some international consortium, for which Israel would contribute some money, but that's about it. That's the Israeli bottom line offer. In common parlance it's called the annexation of the major settlement blocks in the West Bank. The Palestinian side had quite reasonable proposals for ending the conflict, but Israel has rejected all of them.

The most enigmatic aspect of the current talks in Washington is, for the life of me, and I'm not being facetious here, I can't imagine what they are talking about. There is nothing to talk about. There is a clear record, we know what the impasse was, and there is not the slightest reason to suppose that Israel is going to give any ground from its

bottom line offer. It's building a wall in the West Bank that absorbs 9.5% of Palestinian territory and Israel has repeatedly said that they are building their final border. They're not going to give ground on any of that. I can't even imagine, since this has already been rehashed in Annapolis, what they would even say to each other.

This has nothing to do with negotiations. What it basically has to do with is three things: On the Palestinian side, they have to go to Washington because Washington pays the bills. The Palestinian economy goes from one crisis to another, because there is no economy. How can there be an economy in a territory with a roadblock every four feet, where Israel controls everything that goes in and everything that goes out, and where the main center of economic life, East Jerusalem, has been cut off from the West Bank? The whole economy survives from handouts from the International Community and the United States simply says that if the Palestinians don't come to Washington, the U.S. will stop paying their bills. So that's the Palestinian incentive for going to Washington.

On the Israeli side, the main incentive is that the International Community likes to see people negotiate. So all you have to do is look like you're negotiating and all the threats of sanctions, the new E.U. guidelines, and all the rest are immediately put on hold because, "See? The Israelis and the Palestinians are negotiating for peace so we shouldn't impose sanctions." This way Israel can go to the negotiating table to placate the International Community without actually having to do anything.

In the case of the U.S., which is obviously orchestrating these so called talks, their motivation is pretty clear. If you look at the history of negotiations, in 2000 President Clinton entered into the negotiations in a big way because he was trying to find something

to redeem his administration after the Monica Lewinsky Affair. He thought that this affair had stained the reputation of his administration and he hoped that achieving an Israeli-Palestinian would redeem him. Under the George W. Bush Administration, the main orchestrator of the talks at Annapolis was Condoleezza Rice, who was the Secretary of State. The second Bush administration was a complete and total disaster and Rice was hoping that by solving the Israel-Palestine Conflict she could redeem her name, but she wasn't successful either. Now Obama, despite being a stupefying narcissist, is perfectly aware that his is a failed presidency. In fact it is a disastrous presidency. Not only is it a disastrous presidency in general, but it is also a disaster from the point of view of his narcissism. He likes to cast himself in the image of Martin Luther King Jr. and Nelson Mandela, yet by the end of his presidency he is going to be

remembered as the drone president, abroad, and domestically as the president who acted as the Pontius Pilate who crucified Edward Snowden and Bradley Manning. And Obama is smart enough to know that Snowden and Manning will be remembered as heroes, the so to speak abolitionists of our time, and he is going to be remembered as their persecutor. He's enough of a narcissist to not want that as his legacy so he delegated to John Kerry - not with much hope, but still hoping that Kerry can pull a rabbit out of the hat - to make peace between Israel and Palestine. If he does, Obama will get credit for it and it will lift the cloud over his legacy.

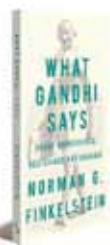
Kerry is likewise hopeful that his mission isn't a lost cause. The Arab World is now shattered. Whatever the U.S. says the Arab League agrees. Hamas has been reduced to a nullity because it put all of its eggs in the Muslim Brotherhood's basket and that alliance has

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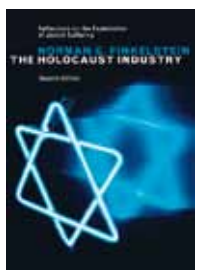
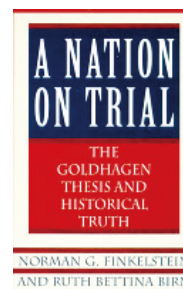
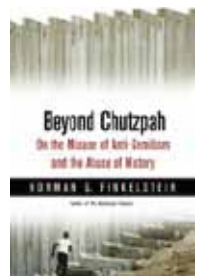
'This Time We Went Too Far'
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failed. Hamas was the main opponent to the collaborators among the Palestinians, i.e. the so called Palestinian Authority. The Palestinian People themselves have never been so despondent, more despairing, more depressed, and more depoliticized with the Palestinian Authority having never been so enthralled to the U.S. than it is now.

So between the three national motivating factors and the perceived opportunity brought about by a broken Palestinian People and Arab World, Kerry and Obama are hoping that there is some possibility of ramming through the Israeli terms for resolving the conflict. That is their hope. Whether it will succeed or not, I don't know, but it's possible.

Editor's note: This interview was conducted on August 2, 2013. Twelve days later, on August 14th, Egyptian Army and Police personnel attacked two Muslim Brotherhood protest camps in Cairo, slaughtered those protestors who refused to flee, and totally routed the rest. Casualty estimates place the dead at between 595 and over 2,600, with at least an additional 4,000 wounded. Following this massacre, the low levels of anti-coup violence spiked with attacks that included the ambush and killing of two dozen Egyptian Police on the Gaza border and an RPG-7 anti-tank rocket attack on civilian freighters in the Suez Canal.

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PAPER: PSYCHIATRY



FILE PHOTO: Special Psychiatric Hospital in Chernyakhovsk (Russia)

Resumption of Political Abuse of **Psychiatry** in the former USSR

by Robert van Voren

Introduction

Just over twenty years ago the Soviet Union factually came to an end with a *coup d'état*. It was carried out by a group of Orthodox hard-liners among the Soviet leadership with the goal to end both the rule of Mikhail Gorbachev and the experiment with glasnost and perestroika that they so much despised. It failed as a result of popular resistance and effective opposition by liberals among the leaders. True, it was only months later, at Christmas 1991, that a disenchanted Mikhail Gorbachev finally signed away his country, but in fact the country he formally ruled already seized to exist during those tense days in August.

Twenty years have passed, in the course of which all fifteen Soviet republics gained or regained their independence. Some did this with considerable success, others with a long list of hiccups, fallbacks and periods of civil war, bouts of despotism or conflicts with neighbors.

In Russia this period can be divided in two periods: the years of Yeltsin, Gorbachev's most vocal adversary who ruled the country until 2000, and the period we can refer to as the "*Putinschina*" – Putin's rule, a rule that started in 2000 and could last until 2024.

Generally, the Yeltsin years are considered to be the period when the country collapsed into anarchy, corruption, in-fights between groups of oligarchs, loss of moral and societal values, loss of international respect and of the country's self-dignity. And many will automatically repeat the notion that this downward spiral was stopped by Vladimir Putin who managed to return to the country its respect, its dignity and its power, and who pulled Russia out of the economic misery of the post-Soviet years.

Indeed, it is true: Russians have never seen before such prosperity: the possibility to own cars and luxury goods, to travel abroad, to practice religion, to feel they have a living standard that is somewhat equal to that of Western Europe. For some the living standard is higher, considerably higher. However, for many people outside the cities the living standard is quite different, and poverty and social disintegration are daily facts of life. However, at the same time it is a fact that the wealth of Russia is in the hands of a very few, and of only those who are very loyal to Putin. On top of that, the wealth is mainly built on income from gas and oil and has a very rickety base. In general one can say that poverty is still very much widespread, and corruption is even worse than under Yeltsin.

What is worse, more and more frequently human rights groups report on cases of lawlessness, police brutality, harassment of the opposition, and incarceration of opponents on fake charges. Even murder of critical journalists and human rights activists are regular occurrences.

Last month the European Parliament published a report on the issue of the resumption of the political abuse of psychiatry in the former Soviet republics, which I authored.¹ In this article I would like to give a concise overview of the content of the report and its conclusions.

What is political abuse of psychiatry?

Political abuse of psychiatry refers to the misuse of psychiatric diagnosis, treatment and detention for the purposes of obstructing the fundamental human rights of certain

¹ *Psychiatry as a Toll of Coercion in Post-Soviet Countries*, July 16, 2013. Directorate General for External Policies, European Parliament, EXPO/B/DROI/2013/02

individuals and groups in a given society. The practice is common to but not exclusive to countries governed by totalitarian regimes. In these regimes abuses of the human rights of those politically opposed to the state are often hidden under the guise of psychiatric treatment. In democratic societies “whistle blowers” on covertly illegal practices by major corporations have been subjected to the political misuse of psychiatry.

The Soviet Union was and is not the only country where political abuse of psychiatry has taken place. Over the past decades quite extensive documentation has been published on similar abuses in other countries as well. One of the countries where systematic political abuse of psychiatry took place was Communist Romania.² There were also reports on cases in Czechoslovakia, Hungary and Bulgaria, but all these cases were individual and there was no evidence that any systematic abuse took place. An extensive research on the situation in Eastern Germany came to the same conclusion, although in this socialist country politics and psychiatry appeared to have been very closely intermingled.³ Later, information appeared on the political abuse of psychiatry in Cuba, which was however short-lived and never developed into a full-scale means of repression.⁴ In the 1990s, a case of political abuse of psychiatry took place in The Netherlands, in the course of which the Ministry of Defence tried to silence a social

worker by falsifying several of his psychiatric diagnoses and pretending his behaviour was the result of mental health problems.⁵

The fact that the use of psychiatry for political purposes is reported from so many diverse countries reveals an on-going tension between politics and psychiatry, and also that using psychiatry to stifle opponents or solve conflicts appeals not only to dictatorial regimes but to well-established democratic societies. Psychiatry is a branch of the medical profession that very much functions on basis of attempts to understand the functioning of the human psyche rather than on full scientific evidence. Diagnoses are internationally agreed upon in order to allow mental health professionals to structure their understanding and have a common language, yet at the same time the psychiatric profession is trying to deal with still limited scientific proof that their understanding is fully correct.⁶ Nevertheless, it is clear that the political use of psychiatry has been a favorite of collectivist (socialist or communist) regimes. An explanation might be that ideologies that envision ideal

2 In 1997 the International Association on the Political Use of Psychiatry (IAPUP) organized an investigative committee to research what actually happened. The report was titled *Psychiatry under Tyranny, An Assessment of the Political Abuse of Romanian Psychiatry During the Ceausescu Years*, Amsterdam, IAPUP, 1989.

3 Süß, S., *Politisch Missbraucht? Psychiatrie und Staatssicherheit in der DDR*, Berlin, Ch. Links Verlag, 1998.

4 Brown, Ch. A., and Lago, A., *The Politics of Psychiatry in Revolutionary Cuba*, New York 1991.

5 For the case of Fred Spijkers see Nijeboer, A., *Een man tegen de Staat*, Papieren Tijger, Breda, 2006. The case took many years to be resolved, and although the victim was compensated and even knighted by the Dutch Queen, it is still not fully closed, and Fred Spijkers is still trying to have his false psychiatric diagnosis revoked.

6 Currently two major international classifications exist: ICD-10, developed and disseminated by the World Health Organization, and DSM, developed by the American Psychiatric Association. Both classifications have proponents and opponents. In addition, there is a strong debate with regard to classifications of mental disorders, and much of the debate focuses on the allegation that some illnesses are constructed in order to give the pharmaceutical industry the chance to market new drugs. Most recently, the soon to be introduced classification DSM-V is under fierce attack, and in May 2013 the National Institute of Mental Health (NIMH) in the United States decided not to use this classification.

societies where all are equal and all will be happy often conclude that those who oppose this must be of an unsound mind.

It is also important to note that political abuse of psychiatry stands out from general abuse of psychiatry, or abusive practices in psychiatry. The latter include general human rights violations in mental institutions, such as adverse living conditions, abuse by staff, unlawful incarceration, inhumane treatment, as well as “economic abuse” of psychiatry, such as the sale of diagnoses to criminals in order to avoid long terms of incarceration or bribing a psychiatrist to have a relative diagnosed mentally ill in order to claim property or have a spouse temporarily or permanently “removed”.

Finally, it is important to note that in the case of Soviet psychiatric abuse, there is a vast “grey area” involving people who are hospitalized either because they are considered bothersome to the authorities because of their constant complaints or people who do suffer from mental health problems but who never should have been either compulsorily treated or hospitalized. Many victims of psychiatric abuse in China are so-called “petitioners”, who travel to Beijing from the provinces in order to issue complaints against local officials. Instead of being heard they are hospitalized and frightened with psychiatric “treatment”. It is quite possible that some of them either issue unfounded complaints or have a mental health problem that triggers their behavior, yet in no way should that be a pretext for hospitalization and forced treatment.⁷

Soviet psychiatric abuse

Generally speaking, the use of psychiatry to incarcerate dissidents in psychiatric hospitals in the USSR started to have a systematic character in the late 1950s and early 1960s. However, there are cases of political abuse of psychiatry known from a much earlier date. The available evidence shows that in the course of the 1960s the political abuse of psychiatry in the Soviet Union became one of the main methods of repression. By the end of that decade many well-known dissidents were diagnosed as being mentally ill. A crucial role in this played KGB Chairman Yuri Andropov personally, who in 1967 took the helm of that organization and made the struggle against “ideological diversion” the centerpiece of his KGB work. According to a former general of the Fifth (dissident) Directorate of the Ukrainian KGB, it was Andropov who together with a selected group of associates developed the political abuse of psychiatry as a systematic means of repression. KGB offices in other republics, like in Ukraine, received detailed instructions from “the center” how to use psychiatry either as a “preventive measure” or to remove a “hostile element” from society.⁸

Psychiatry was not only used against individuals, but sometimes also to remove larger groups of “undesired elements” during Communist festivities or special events. In some cases they were delivered en masse, such as in 1971 in Tomsk: “At a ceremonial meeting of the hospital staff in 1971 [in Tomsk], which I attended, [hospital

7 Munro, R., *Judicial Psychiatry in China and its Political Abuses*, GIP, Amsterdam, 2001, and Munro, R., *China's Psychiatric Inquisition*, Wiley, Simmonds & Hill, London., 2006.

8 See, among others, Bloch, S. and Reddaway, P., *Russia's Political Hospitals*, London, Gollancz, 1977, and Van Voren, R., *Cold War in Psychiatry*, Amsterdam/New York, Rodopi, 2010.

director Dr. Anatoly] Potapov⁹ said literally the following: 'We expect to register a great number of patients on November 4-7. There'll be a special mark on their papers. They are suffering from 'paranoid schizophrenia'. We are to accept them all no matter how many there are...'"¹⁰ In 1980, KGB Chairman Yuri Andropov was quite explicit in a "top secret" memorandum to the Central Committee of the Communist Party with regard to the preparations of the 1980 Olympic Games in Moscow. In his 6-page report he quite explicitly wrote that 'with the goal of preventing possible provocative and anti-social actions on the part of mentally ill individuals who display aggressive intentions, measures are being taken, together with police and health authorities, to put such people in preventive isolation during the period of the 1980 Olympics.'"¹¹ This use of mental hospitals to separate undesirable elements during Communist holidays and special events was not limited to the USSR, however. Similar practices have been reported from Romania under Ceausescu and in the People's

Republic of China.¹²

The political abuse of psychiatry in the Soviet Union developed within a totalitarian environment, which greatly facilitated its growth. It was facilitated by the belief that persons who opposed the regime were mentally ill, as there seemed to be no other logical explanation why one would oppose the best socio-political system in the world.

The diagnosis of 'sluggish schizophrenia' that was developed by the Moscow School of Psychiatry and in particular by Academician Andrei Snezhnevsky, provided a handy framework to explain this behaviour. According to the theories of Snezhnevsky and his colleagues, schizophrenia was much more prevalent than previously thought because the illness could be present with relatively mild symptoms and only progress later. And in particular sluggish schizophrenia broadened the scope, because according to Snezhnevsky patients with this diagnosis were able to function almost normally in the social sense. Their symptoms could resemble those of a neurosis or could take on a paranoid quality. The patient with paranoid symptoms retained some insight in his condition, but overvalued his own importance and might exhibit grandiose ideas of reforming society. Thus symptoms

9 Anatoly Potapov, a psychiatrist by profession, was from 1965 to 1983 director of the psychiatric hospital in Tomsk. He would later become Minister of Health of the Russian Soviet Republic.

10 *Moscow News* no. 37, 1990, reprinted in *Documents* 38, September 1990.

11 *Regarding the main measures to guarantee security during the period of preparation and implementation of the XXII Olympic Games in Moscow*, signed by KGB Chairman Yuri Andropov, document 902-A, dated May 12, 1980, p. 3.

12 For Romania see: *Psychiatry under Tyranny*, p. 9. In China, in preparation of the Olympic Games of 2008 the Beijing police defined a grading standard for mentally ill persons who could cause incidents and accidents and are moderately disruptive. Security brigade chiefs, civil police chiefs and the security directors of all police branches in all the incorporated districts and county councils of Beijing were trained according to the "Beijing City mental health ordinance". Also a thorough investigation of basic information regarding the mentally ill of Beijing was carried out. The Beijing Police used the above-mentioned professional training and basic investigation to determine a grading standard to rate the risks posed by mentally ill persons. See www.legaldaily.com.cn April 4, 2007

of sluggish schizophrenia could be “reform delusions”, “struggle for the truth”, and “perseverance”.¹³

Several scholars analysed the concepts of sluggish schizophrenia in the USSR, and the scientific writings that focused on this diagnosis. Canadian psychiatrist Harold Merskey, together with neurology resident Bronislava Shafran, in 1986 analysed a total of 64 scientific articles published in the *Korsakov Journal of Neuropathology and Psychiatry* in 1978 and 1983 and they concluded that “the notion of slowly progressive schizophrenia is clearly widely extensible and is much more variable and inclusive than our own ideas of simple schizophrenia or residual defect states. Many conditions which would probably be diagnosed elsewhere as depressive disorders, anxiety disorders, hypochondriacal or personality disorders seem liable to come under the umbrella of slowly progressive schizophrenia in Snezhnevsky’s system.”¹⁴ Two years later, Soviet dissident and former political prisoner Semyon Gluzman carried out even more extensive research. In his analysis he quoted a large number of works by well-known associates of the Serbski Institute, and in some of these studies the political “illness” was far from being camouflaged. In some studies patients were ill with “excessive religiosity”,¹⁵ another study concluded “compulsory treatment in an ordinary psychiatric hospital may be recommended for patients with schizophrenia with delusional ideas of reform, who show a diminished level of activity and in whom we can observe

a difference between their statements and behaviour.” However, another patient showed an “extreme social dangerousness and [this formed] the foundation of the recommendation for compulsory treatment in a Special Psychiatric Hospital”¹⁶

There is ample evidence that the core group of psychiatrists that developed and implemented this system to treat dissenters as psychiatrically ill on the orders of the Party and the KGB knew full well what they were doing. Yet retrospectively we have to conclude that for many Soviet psychiatrists the diagnosis of grandiose reformism as mental illness seemed very logical, because they could not otherwise explain to themselves why somebody would give up his career, family and happiness for an idea or conviction that was so different from what most people believed or forced themselves to believe.

The post-Soviet period

Until the late 1980s, Soviet psychiatry was dominated by only one organization: the All-Union Society of Psychiatrists and Neuropathologists (AUSPN), which was directly controlled by the Ministry of Health of the USSR.¹⁷ During the period of glasnost and perestroika this started to change. As early as 1988 an Estonian Society of Psychiatrists was established, two years later followed by a Lithuanian Psychiatric Association. In the mean time, in March 1989, a small group of psychiatrists and psychologists in Moscow founded the Independent Psychiatric Association, which was admitted as member to the WPA in October 1989. In January 1991, the former dissident and political prisoner

13 See Bloch, S., *Soviet Psychiatry and Snezhnevskyism*, in Van Voren, R.(ed.), *Soviet Psychiatric Abuse in the Gorbachev Era*, 1989, pp. 55-61.

14 Merskey, H, and Shafran, B.: *Political hazards in diagnosis of ‘sluggish schizophrenia*, p. 249. Published in the *British Journal of Psychiatry*, 1986, 148, pp.: 247-256.

15 *On Soviet Totalitarian Psychiatry*, p.42.

16 *On Soviet Totalitarian Psychiatry*, p. 43.

17 The stationary of the AUSPN even had the heading AUSPN and then as sub-heading “Ministry of Health of the USSR”.

Semyon Gluzman managed to establish a Ukrainian Psychiatric Association, which soon became the most active on the territory of the former USSR. Even in Leningrad, hundreds of psychiatrists joined the Leningrad Psychiatric Society, later named St. Petersburg Psychiatric Association, out of protest against the continued dominance of the old nomenklatura over psychiatry in Russia.

In the course of the 1990s apart from psychiatric associations new professional bodies were established for psychiatric nurses, as well as relative organizations, multi-disciplinary organizations and, by the end of the century, the first groups of consumers of mental health care services. Gradually a network of non-governmental organizations in the field of mental health emerged, creating a vibrant web of groups, committees and associations that strived to humanize the existing highly institutional and biologically oriented psychiatry that was almost synonymous to massive human rights abuses.

With the fall of communism in Eastern Europe in the late 1980s the practice of using psychiatry to suppress political opponents virtually ceased to exist. Some cases surfaced in Central Asia, notably in 1996 in Turkmenistan and in Uzbekistan. What came in place, however, was a very disturbing collection of other forms of abuses, ranging from “economic abuse” (e.g. having relatives declared mentally ill or suffering from dementia in order to take control of their possessions such as real estate) to criminals buying their way out to freedom by bribing psychiatrists in delivering false diagnoses. In addition, human rights abuses in the mental health system in the former Soviet republics were rampant, due to lack of resources, outdated methods of treatment, lack of understanding of human individual

rights and a growing lack of tolerance in society where *survivalism* became the main philosophy of the population at large.

In Russia, the reform movement in mental health had only a limited impact and did not manage to alter the situation in mental health fundamentally. Many of the mental health institutions remained inhuman environments and places where human rights abuses were a daily occurrence, while the level of psychiatric care was far from acceptable and knowledge about modern therapeutic approaches, the role of relatives and carers and the self-help capabilities of mental health users remained scarce and limited.

One of the main reasons for this situation is the fact that the leadership of Soviet psychiatry in Russia maintained its powerbase and in many regions managed to maintain its monopoly on information and knowledge. Whereas in many former Soviet republics the leadership changed or at least contacts with world psychiatry were re-established, in Russia the information gap continued, partially because psychiatric leaders effectively kept psychiatric literature away from their students and colleagues. Attempts to change that situation faltered because of lack of necessary funds.¹⁸

Many of the current leaders of Russian psychiatry, especially those who already belonged to the establishment in Soviet times, also revoked the earlier confession read by Dr. Pyotr Morozov at the 1989 WPA General Assembly that psychiatry in the Soviet Union had been abused systematically for political

18 Most of the publications were issued by the Sphere publishing house in Kiev, a joint venture of the Ukrainian Psychiatric Association and Global Initiative on Psychiatry, with financial support from the European Commission, the Open Society Institute and other Western donors.

purposes. They now preferred to refer to “individual cases of “hyper-diagnosis” or “academic differences of opinion”.¹⁹

In Ukraine, in 1991 a committee attached to the Ukrainian Psychiatric Association started its work to deal with citizens’ complaints against psychiatric malpractice. The committee functioned until 2005 and its statistics of appeals clearly indicate that the amount of appeals diminished each subsequent year (from 21,357 in 1992 to 513 in 2005). Undoubtedly, this was caused by on one hand Ukraine accepting the ICD-10 diagnostic criteria of the World Health Organization (WHO), and on the other the appearance of lawyers who were at least to a certain degree familiar with issues concerning the rights of persons with mental disorders.

Political abuse in the twenty-first century

In several former Soviet republics, notably Russia and Ukraine, individual cases of political abuse of psychiatry continue to take place and the number of reports have increased significantly over the past few years, in particular in Russia. Also from Kazakhstan recently a case has been reported, which is cause for serious concern.²⁰

In general one can assert that there appears to be no *systematic* and *government-inspired*

repression of dissidents through the mental health system. Instead, citizens today fall victim to regional authorities in localized disputes, or to private antagonists who have the means to bribe their way through the courts.

The resumption of individual cases of political abuse of psychiatry in Russia is closely linked to the deteriorating human rights situation in the country and the fact that lower-level authorities feel much more freedom to clamp down on undesired elements than previously. Again an air of untouchability is returning to Russia’s rulers, and the rule of law has increasingly become subject to political machinations. The current situation in Russia also shows that much of the structure is still in place that allowed the political abuse of psychiatry to happen. The first cases of renewed political abuse of psychiatry started to emerge in the beginning of the twenty-first century, after Vladimir Putin resumed the Presidency and the downward spiral towards increased repression commenced.²¹ In my report to the European Parliament I describe quite a number of these cases.²²

Also following Putin’s re-election as President of Russia in 2012 complaints about non-medical use of psychiatry to silence dissident or “bothersome” citizens continued. For instance last year, in August 2012, it appeared that in the case of “Pussy Riot”, the defendants had all been examined psychiatrically by psychiatrists from the Kashchenko psychiatric hospital outside Moscow, an institution that in Soviet times

19 Dmitrieva, D., *Alyans Prava i Miloserdiya*, Moscow, Nauka, 2001, pp. 116-130

20 In the beginning of 2013 atheist activist Aleksandr Kharlamov was arrested and charged with “inciting religious hatred”. He was twice ordered to undergo a psychiatric examination. Kharlamov complained to Radio Free Europe from prison that “an order has come down to present him as psychiatrically ill and on this basis to lock him up in a psychiatric hospital”. He was committed to a psychiatric facility in Almaty in April 2013 and was only released in late August. He is still under criminal investigation.

21 See, for instance, Murphy, Kim: “*Speak out. Are you crazy?*” in the Los Angeles Times, May 30, 2006.

22 Those who are interested in the report can either download it from the website of the European Parliament or from the Facebook of the Federation Global Initiative on Psychiatry. It will soon also be available in Russian.

was heavily implicated in the political abuse of psychiatry. According to the psychological and psychiatric report presented by the prosecution, the three women suffered from “personality disorders” and thus should be isolated from society. The experts themselves, however, did not appear in court and could not be questioned by the defense. The language used in the report, however, sounded very similar to the qualifications used in Soviet times when diagnosing dissidents.²³

On March 18 2013, Lyudmila Popkova, a labour union leader who got into trouble with the authorities after exposing corruption in the Kremlin administration, was handed a piece of paper ordering her to appear before a Moscow judge the same day. Within fifteen minutes she was remanded to a Moscow psychiatric hospital for up to 30 days of “evaluation.” She was eventually released on April 9, 2013. Another recent case concerns Yelena Kotova, a former director of the European Bank for Reconstruction and Development (EBRD), who was accused of corruption. She underwent a 28-day psychiatric evaluation ordered by the court, but also in her case no psychiatric diagnosis followed. This mechanism appears to become more and more common: judges using their right to send a person for a compulsory psychiatric evaluation to a psychiatric institution. And it is becoming particularly common in cases involving corruption, so-called “extremism” and political dissent.

²³ This is how the psychiatrists from Kashchenko Psychiatric hospital described the defendants’ disorders: Nadezhda Tolokonnikova shows signs of “an active life position ... and a tendency to express her opinions categorically”; Yekaterina Samutsevich suffers from “obstinacy, decisiveness and a tendency toward oppositional forms of behavior during conflicts, along with subjectivist and vigilant character traits”; Maria Alyokhina shows signs of “demonstrative, overrated self-opinion.”

Although in general no psychiatric diagnosis follows, the ultimate goal seems not to be psychiatric hospitalization but frightening the persons concerned.

Among all these cases that have some “political connotation”, one case stands out, in which there was definitely a repeated and strong intervention from the highest authorities. This concerns the case of Yuri Budanov, an Army colonel who was charged with raping a Chechen girl and murdering her in an exceptionally brutal manner. The case began in March 2000, the day Vladimir Putin was first elected President of Russia, and lasted for more than three years. In the course of these years six commissions examined Budanov in an attempt by the political and military establishment to avoid him being sentenced to a long term of imprisonment. Every time the official line of the Kremlin changed a new psychiatric examination was ordered that provided a report in agreement with the official political position. The Serbski Institute in Moscow was deeply involved in the case. Interestingly, however, a military court eventually found him of sound mind and guilty, and sentenced him to ten years in camp.

In Ukraine, the violation of psychiatric patients’ rights is at the moment mostly caused by opportunistic material reasons. Apartments, houses and other property of psychiatric patients are taken away by relatives or by organized criminal groups that have the legal status of commercial enterprises and stand in direct contact with local authorities and the police. Unfortunately, some lawyers and psychiatrists also participate in these illegal activities.

The Ukrainian Psychiatric Association, which now has some 2,000 members, believes that the number of these cases gradually



FILE PHOTO: A patient in the forensic department of the Asatiani hospital in Tbilisi (Georgia)

decreased because of interest by the mass-media. Also, they heavily invested in training mental health professionals in issues of human rights and medical ethics, and the level of expertise among lawyers and judges, who previously had no experience in the area, increased considerably. Finally, very helpful turned out to be regular inspections of psychiatric facilities e.g. by the Committee for the Prevention of Torture of the Council

of Europe. Nevertheless, experts occasionally report about attempts by the authorities to use psychiatry in order to persecute their public opponents.

What can be done?

Regrettably, as I mentioned, the political climate in some of the former Soviet republics, and notably the Russian Federation, is again such that local officials feel they have the liberty to revert to using psychiatry as a tool of frightening their opponents. In most cases it is a matter of "*profilaktizirovanie*" (prevention), as KGB-Chairman Yuri Andropov preferred to call it. There is also no indication that this has already become a government policy. Rather, it is a litmus test of what is happening in society, officials making use of the heritage of outdated Soviet psychiatric practice.

What is disturbing, however, is the fact that twenty years after the end of Soviet power, in the field of mental health care Soviet views and perspectives still persist, and that in many parts of the former USSR (and in particular in the Russian Federation and in most of the Central Asian Republics) only very little has changed in terms of therapeutic approaches, respect for of human rights and medical ethics, and mental health service provision in general. The only thing that can bring about real improvement is attitudinal change, and to achieve that all doors and windows have to be opened, allowing fresh air to come in and once and for all end the monopoly on information, perceptions and views and enable the younger generation to understand what is really happening outside their limited boundaries. Change will need to come from within, but can be triggered from outside.

A complication in this respect is the new law on NGO's that was passed by the Russian Duma in 2012, and on basis of which non-

governmental organizations in Russia will have to register as a “foreign agent” if they receive funds from abroad and are active in politics. There is no doubt organizations promoting change in mental health would be considered a “foreign agent”, which automatically would mean intense scrutiny by the FSB and, in the end probably, being closed down for administrative reasons.

Human rights abuses in mental health institutions in Eastern Europe and the former USSR are a daily occurrence. This counts for regular psychiatric hospitals, but no less for the so-called social care homes in the region that house hundreds of thousands of persons with mental illness and mental disability or persons who are just outcasts in society. Much emphasis should be put on mapping these institutions, monitoring the

human rights conditions there, and pressing authorities to develop alternative systems of care by which people are returned to the community and taken care of either within their own communities or by specialized services.

The real challenge all countries face on a daily basis is the re-training of mental health professionals in skills of contemporary mental health service delivery. Whereas in many former Soviet republics the leadership changed or at least contacts with world psychiatry were re-established, in Russia in particular the information gap continued, partially because psychiatric leaders effectively kept psychiatric literature away from their students and colleagues and partially because knowledge of foreign languages in Russia continues to be more

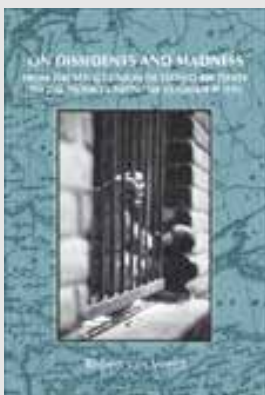
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UNDIGESTED PAST – THE HOLOCAUST IN LITHUANIA

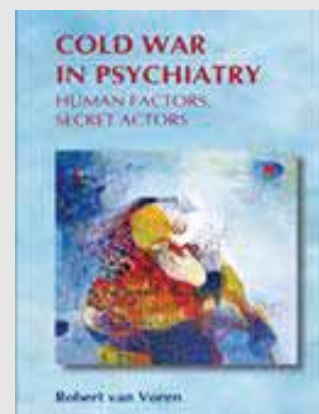
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Special attention ought to be paid to the role of the pharmaceutical industry, which throughout the post-communist period

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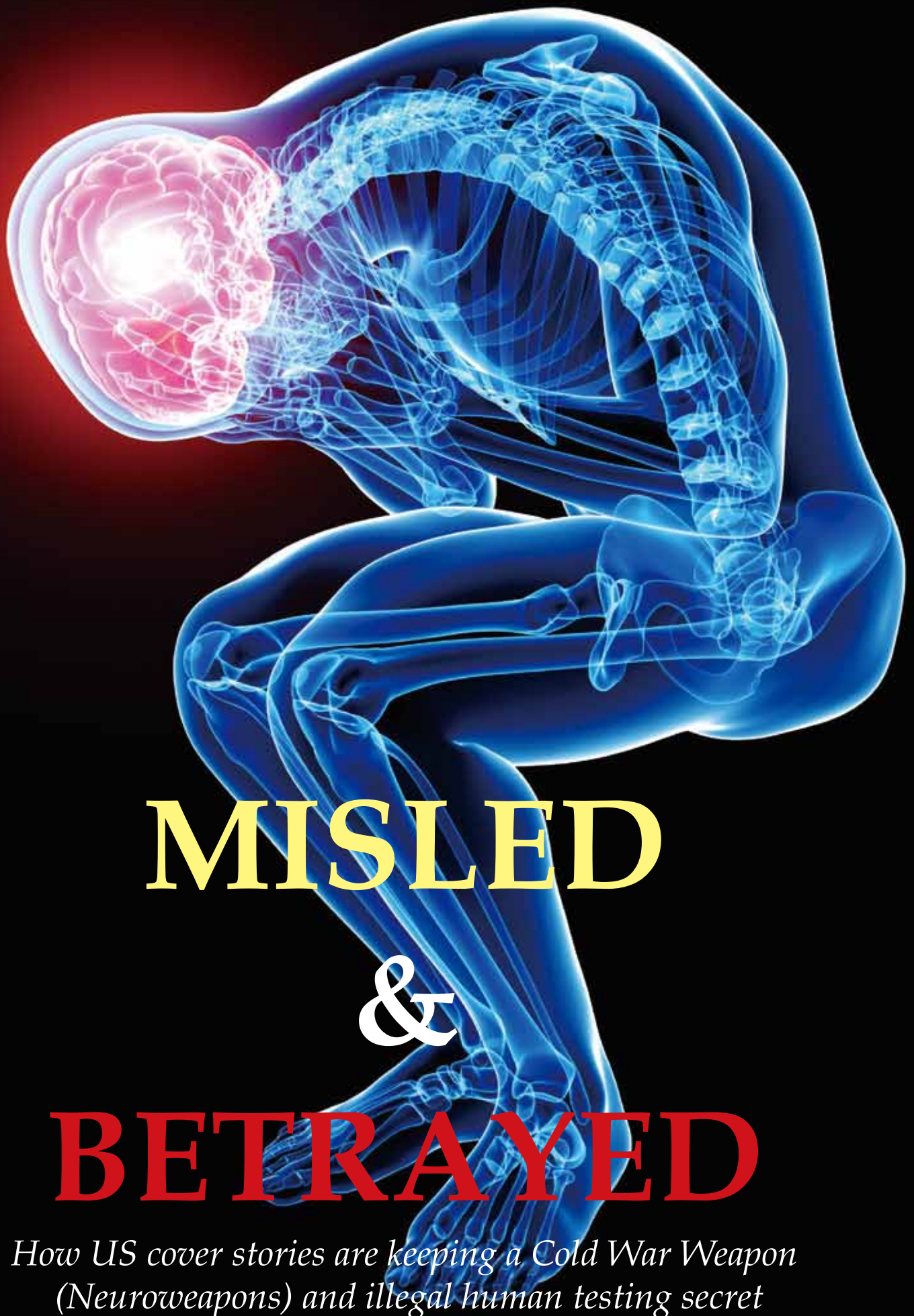
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MISLED & BETRAYED

*How US cover stories are keeping a Cold War Weapon
(Neuroweapons) and illegal human testing secret*

COVER STORY

by Cheryl Welsh

Terms and definitions: For this paper, the term electromagnetic radiation (EMR) is used interchangeably with frequencies, radio-frequency (RF), radio signals, radio waves, microwaves, microwave signals, low-frequency, extremely low frequency (ELF), ELF frequencies, EM fields, beam weapons, directed energy weapons.

1. Introduction

The US atomic bomb exploded and the world discovered the existence of a formidable secret weapon. By contrast, this paper will illustrate that there is proof that neuroweapons (mind control weapons developed during the Cold War) are another formidable weapon. However, their power lies partly in keeping them secret so they can be used surreptitiously. In principle, the science is possible to target and influence a person remotely and governments have been conducting secret research to develop neuroweapons. Based largely on the science of electromagnetic radiation (EMR), such weapons could be used to stop a person or many people by influencing their behaviors by manipulating various physical and psychological parameters related to brain functions; this could change how wars are fought. Shrouded in secrecy, few people have even heard of neuroweapons. Nevertheless, their importance has often been compared to the atomic bomb¹ and a brief summary of

the significant amount of obscure information is presented below.

The consensus is that neuroweapons are still science fiction and any allegations of unlawful human subject experiments involving neuroweapons are just elaborate conspiracy theories. This paper will argue that the consensus is wrong; showing that secret CIA mind control research began as far back as the 1950s with the science of physical and psychological torture being investigated in the US in response to fears that Russia and China had developed new, similar techniques. Professor Alfred McCoy, an expert on US no touch torture, described the CIA research as “a massive mind-control effort, with psychological warfare and secret research into human consciousness that reached a cost of a billion dollars annually, a veritable Manhattan Project of the mind.”² In the mid-1970s, some CIA mind control programs, including nonconsensual human subject experiments with LSD and other drugs, were exposed in congressional hearings while other programs remain classified.³

This paper will present emerging evidence supporting the argument that the consensus is based on misleading US government cover stories which have been presented as official

1 Hugh Gusterson, *The militarization of neuroscience*, *Bulletin of the Atomic Scientists (Online)*, April 10, 2007. Available at <http://www.thebulletin.org/web-edition/columnists/hugh-gusterson/the-militarization-neuroscience>.

2 Alfred McCoy, *Question of torture, CIA Interrogation, from the Cold War to the War on Terror* (2006), Introduction, Outline, 2.

3 Mark Mazzetti and Tim Weiner. Files on illegal spying show CIA skeletons from Cold War, *New York Times*, June 27, 2007. Available at <http://www.nytimes.com/2007/06/27/washington/27cia.html?pagewanted=all&r=0>.

explanations while actually concealing secret programs and activities.⁴ Steven Aftergood, a highly regarded secrecy expert described the US Cold War secrecy system as a “poisonous legacy”: the excessive use of government cover stories was routine and secrecy manuals authorized active deception in order to promote believable cover stories.⁵ This paper will present converging facts that strongly suggest two major cover stories concealed the existence of neuroweapons and illegal human testing, fooling nearly everyone for sixty years and counting. These cover stories should now be seen as obsolete with the evidence beginning to reveal that neuroweapons are likely to have already been developed. As mentioned above, the first cover story is that secret neuroweapons are still science fiction. The second cover story concerns the official US policy on EMR bioeffects; it being that there are no proven effects of EMR other than heating.⁶ For example, most people know how a microwave oven works; the microwaves produce a thermal effect and heat or cook food as in a microwave oven.

1.1 Neuroweapons

Neuroweapons, no touch torture, and nonlethal weapons are three major US state tools that have emerged from the CIA’s Cold War programs; all three are ideal for intelligence and psychological operations and counterinsurgency warfare. They are tools designed to neutralize the enemy

without killing anyone but by influencing their behavior. All three programs represent a new form of weaponry which can be used on a large scale. The first of three US state tools, the CIA’s no touch torture, has been described as a “revolutionary psychological approach” and the first new scientific innovation after centuries of [physical] torture.⁷ The second tool is the nonlethal weapon, which is a weapon designed to stop the enemy without killing. Nonlethal weapons include several types of weapons but this paper will only discuss nonlethal weapons based on EMR. In 1994, Aftergood reported that “programs to develop so called ‘non-lethal’ weapons are slowly emerging from the U.S. government’s secret ‘black budget.’ . . . The concept of non-lethal weapons is not new; the term appears in heavily censored CIA documents dating from the 1960s.”⁸ Few people are aware of the science research showing that EMR has significant bioeffects on humans other than just heating; this will be shown below.

For over half a century, the US and other governments have kept nonlethal weapons out of the public eye. A few examples illustrate the point. A 1991 *London Guardian* newspaper article described EMR crowd control weapons that do exist and were listed in the *British Defense Equipment Catalogue* until 1983 when the Ministry of Defense ordered any advertisements or mention of frequency weapons be removed.⁹ A 1990 *International Committee of the Red Cross Review* article described directed energy weapons, weapons based on EMR that could target a

4 Steven Aftergood, The Soft-kill fallacy, the idea of ‘non-lethal weapons’ is politically attractive and purposely misleading, *Bulletin of Atomic Scientist*, September/October 1994, 45.

5 Ibid.

6 Sharon Weinberger, “Thought wars,” *Washington Post Magazine*, January 14, 2007, p.W22. Available at <http://www.washingtonpost.com/wp-dyn/content/article/2007/01/10/AR2007011001399.html>.

7 McCoy, 14, n. 2 above.

8 Aftergood, n. 4 above. See also Douglas Pasternak, Wonder weapons: The Pentagon’s quest for nonlethal arms is amazing. But is it smart? *US News and World Report*, July 7, 1997, 38. Available at http://www.usnews.com/usnews/culture/articles/970707/archive_007360.htm.

9 Peter Kennard, ‘Field of nightmares,’ *Weekend Guardian*, February 2-3, 1991.

person at battlefield distances. Some science seems to have confirmed modulated EMR can adversely affect brain function, although the research was heavily classified.¹⁰

In 1976, a US *Federal Times* article described alleged Soviet microwave weapons which caused disorientation, to disrupt behavior and cause heart attacks.¹¹ (To be clear, the US government official EMR bioeffects policy is that there are no *proven* bioeffects other than heating and the US government considers the Soviet weapons research scientifically *unproven*.) Another device targeted a person with microwave hearing to cause voices in head of the person that only the targeted person can hear.¹² The microwaves were modulated like a radio signal to carry the sound of words or music that a person can hear.¹³ Microwave hearing has been demonstrated on a subject with successfully encoded speech (the spoken digits from one to ten) in a pulsed microwave signal.¹⁴ Perhaps it is not surprising that the one nonlethal weapon based on EMR that has been revealed is the microwave heat weapon which beams EMR to create a burning sensation on whomever the weapon is directed towards.¹⁵

The third US state tool is the neuroweapons program; neuroweapons are considered a weapon of mass destruction. For example, in 2012, Russian president Vladimir Putin described a new military program to develop EMR weapons that target the nervous system: "Such high tech weapons systems will be comparable in effect to nuclear weapons, but will be more acceptable in terms of political and military ideology."¹⁶ In 1986, Mikhail Gorbachev, the Soviet leader at the time, described EMR weapons that could be used as antipersonnel weapons, calling them "no less dangerous than mass strike weapons."¹⁷ Gorbachev stated that the Soviet Union had not and would not test or deploy such weapons. Since the 1940s, the Soviet Union has been studying how EMR interacts with the human body and brain—called EMR bioeffects— and the US has monitored the research to find out if there was any possible advantage gained by the Soviets for espionage or weapons.¹⁸

Additionally, negotiations by the US and the former USSR at the UN Disarmament Agency regarding EMR weapons from 1975 through 1985 were described in a UN Department for Disarmament Affairs book.¹⁹ For example, the former Soviet Union submitted a 1979 UN Committee on Disarmament document. It consisted of a draft agreement for the prohibition of new types of weapons of mass destruction and new systems of weapons. The document specifically listed weapons that use EMR to affect biological targets,

10 Louise Doswald-Beck and Gerald Caudey, The development of new antipersonnel weapons, *International Review of the Red Cross*, 279, November 1, 1990, 19, 20.

11 'Microwave weapons study by Soviets cited' *Federal Times*, December 13, 1976.

12 Ibid.

13 Steven Wright, Weapons of control, *New Scientist*, 55. See also n. 11 above.

14 Don Justesen, Microwaves and behavior, *American Psychologist*, March, 1975. Available at <http://www.raven1.net/v2success2.gif>. Also available at <http://www.raven1.net/v2success3.gif>.

15 U.S. military heat ray weapon unveiled, *Huffington Post Canada*, March 13, 2012. Available at: http://www.huffingtonpost.ca/2012/03/13/us-military-heat-ray-weapon_n_1343092.html.

16 Christopher Leake, Will Stewart, Putin targets foes with zombie gun, *Mail on Sunday*, April 1, 2012.

17 Press conference on Gorbachev's nuclear arms elimination proposals, *BBC Summary of World Broadcasts*, January 21, 1986: Tass for abroad: SU/8162/A1/1. Available at Lexis Nexis

18 Nicholas Steneck, *Microwave debate* (1984), 84.

19 *The United Nations and Disarmament: 1945-1985* (1985) New York, UN Publication Sales No. E.85.IX.6, 114, 115, 116.

with the likelihood of remote targeting within half a dozen years.²⁰ The document stated that weapons could target the brain and were scientifically possible, relying on international scientific literature.²¹

US military research includes EMR neuroweapons similar to the Russian weapons. The US Air Force (USAF) is funding "Controlled Effects" research and USAF chief scientists stated: "With the advent of directed energy and other revolutionary technologies, the ability to instantaneously project very precise amounts of various types of energy anywhere in the world can become a reality."²² Despite the decades of US government secrecy and interest in neuroweapons, the US, like Russia, denies any secret development of such weapons, the argument being that the US government interest in EMR neuroweapons could be a ploy to throw off the Russians into spending more money on science fiction weapons.²³ However, as shown below, further evidence seems to indicate much more is going on: an ongoing secret arms race over neuroweapons between US and Russia that began in the 1950s.

The goal of the US neuroweapons program is to develop the capability of remotely targeting, communicating with and

influencing a person's brain. It is a weapon of surveillance, influence, and control. US government publications on future weapons indicate that some neuroweapons are based on the science of EMR which allows for two main weapons capabilities. Firstly, in principle, EMR can be utilized as the most likely method for remote human surveillance, similar to radar that utilizes EMR to track objects such as airplanes or cell phones. As shown below, in principle, this capability is possible²⁴ but it is not known in unclassified research.

Secondly, EMR bioeffects can cause symptoms such as nausea, disorientation or confusion.²⁵ In principle, this capability can also be developed to include precise mind control, including forcing someone to carry out certain specific tasks, however it is unreported in unclassified science.²⁶ For all of the above reasons, EMR technologies for surveillance and EMR bioeffects for influence and control would seem to be major areas of the science required for neuroweapons development. However, the consensus has completely dismissed the science of EMR and EMR bioeffects for neuroweapons as rudimentary in their level of development and thus science fiction. However, as shown below, the consensus left out critical information, and therefore its conclusion is highly questionable.

The deployment of the three major US state tools would not necessarily eliminate the old, politically unacceptable methods of brutal physical torture and battlefield maiming and

20 V. L. Issraelyan, Representative of the USSR to the Committee on Disarmament. Union of Soviet Socialist Republics, Negotiations on the question of the prohibition of new types of weapons of mass destruction and new systems of such weapons, U.N Committee on Disarmament document CD/35 10 July 10, 1979.

21 Ibid.

22 William Baker, et al., Controlled effects: Scientists explore the future of controlled effects, AFRL's Directed Energy Directorate, Kirtland AFB NM, (2004). More information available at <http://www.afrl.af.mil/techconn/index.htm>.

23 Jonathan Moreno, Mind wars, Brain science and the military in the 21st Century (2012), 86, 87.

24 Michio Kaku, *Physics of the impossible, A scientific exploration into the world of phasers, force fields, teleportation, and time travel* (2008), 84-85.

25 Barbara Hatch Rosenberg, "'Sidebar: 'Non-Lethal' weapons may violate treaties," *Bulletin of Atomic Scientists*, September, October 1994, 45.

26 Robert Becker, *The body electric: Electromagnetism and the foundation of life* (1985), 321.

killing, but alternative methods (especially if they remain secret and therefore covert) could be used against enemies. No touch torture has already proven to be highly successful as a tool of domination and control: several government manuals show that since the 1960s, the techniques have been disseminated “from Vietnam through Iran to Central America.”²⁷ Likewise, nonlethal weapons continue to be secretly developed in several US programs.²⁸ It will be shown below that the neuroweapons program, the least known and arguably the most consequential of the three CIA Cold War programs has also been secretly expanding.

1.2 Alleged mind control victims

At the same time the CIA programs have been taking place, a large and growing number of victims from around the world have alleged they have been remotely targeted, tracked, and suffered illegal human experimentation. Whether this is a coincidence or a cause and effect has remained an unanswered question. The claims of targeting seem to include physical and psychological torture with some features of advanced neuroweapons that the military claims have not yet been developed but that are included in future weapons plans. The claims include farfetched accounts of futuristic weapons that sound so bizarre, they have been dismissed as conspiracy theory or mental illness without further investigation. Most human rights groups and newspapers have received innumerable letters, calls or emails from victims with desperate pleas for help coupled with rambling accounts of crazy sounding mind control zapping and torture.²⁹ Some people may well be suffering

from mental illness but without investigating the numerous claims, no one can be sure.

The 2006 Nature reviewed book *Mind Wars, Brain research and national defense*, and a 2007 *Washington Post Magazine* article, *Thought Wars*, covered the desperate victim accounts and raised issues of conspiracy theory and mental illness.³⁰ Although the publications included statements by scientists and military experts on secret government weapons programs, the interview statements supported that the symptoms and technologies described by victims were not scientifically possible based on unclassified research and therefore the victims must be conspiracy nuts or delusional. The statements were accepted at face value with only very general questioning, however as Aftergood noted above, secret military weapons programs can be cloaked in deceitful cover stories. Neither publication included independent investigation or recommended further evaluation.

By contrast, this paper examines experts, weapons, and technologies, and looks beyond the commonly accepted information to reach the opposite opinion: that the victim allegations may be true. Despite the complete rejection of the claims by nearly everyone and finding no relief from the targeting, victims continue to publicly plead their case. For example, one activist group recently placed a *Washington Post* ad addressed to President Obama seeking an investigation of advanced technologies that illegally target the brain.³¹

27 McCoy, Outline, 14, n. 2 above.

28 Pasternak, n. 8 above.

29 Kevin Poulsen, *Mind control madness*, Wired.com, February 5, 2007. Available at http://www.wired.com/threatlevel/2007/02/mind_control_ma/. See also Weinberger, n. 6 above.

30 Moreno, n. 23 above, new edition of 2006 book. See also Weinberger, n. 6 above.

31 Moreno, n. 23 above, new edition of 2006 book. See also Weinberger, n. 6 above.

The Board of Freedom from Covert Harassment and Surveillance, ‘To the President of the United States of America’ *Washington Post Express*, July 16, 2013. Available at www.freedomfchs.com/washpostexpad.pdf.

1.3 The consensus position and alleged mind control victim position

The core of the disagreement between the alleged victims and the consensus is the question; how advanced is the science of secret neuroweapons today? The alleged victims say the science is already developed, extremely advanced and highly classified. The consensus position disagrees: stating that although such weapons might be possible, they have not been researched or developed. It is agreed that neuroweapons with the capability of remotely targeting, communicating with and controlling the enemy's brain is the ultimate weapon that major nations would want to develop. Experts also agree that in principle, neuroweapons and the capability of direct access to the brain and advanced precise mind reading and influencing human behavior—even mind control—are scientifically possible.³² However, the consensus is that such weapons are only science fiction. A number of reasons are given in support of this consensus. Firstly, it is true that there is no theory for how the brain works and technologies to remotely access the brain remain undeveloped. Also, ethicists have only just begun to alert the public to the current explosion of neuroscience progress and the likelihood of the development of controversial new technologies. It is argued that neuroscience is still at a rudimentary level of development and therefore the development of advanced neuroweapons is not possible today. So it is argued that although advanced neuroweapons are scientifically feasible, their development is only possible in the far future. Secondly, it is argued governments would not be able to keep such weapons secret for decades.

However, this paper will argue that the consensus is wrong for the following reasons. For decades, the US government prevented the science required for neuroweapons from developing in the unclassified realm; thereby allowing the US government to claim neuroweapons are science fiction, based on the best US science literature available. At the same time, secret neuroweapons research flourished and the US government employed extensive secrecy methods to disguise the fact that neuroweapons were scientifically possible not only in principle but were also proven with science experiments. Consequently, secret neuroweapons that are already developed are a serious threat but experts are not warning the public and they should be.

The paper is organized as follows. Section 2 presents a summary of the neuroscience required for neuroweapons. Section 3 presents the first of two cover stories; that neuroweapons are still science fiction. This cover story relies on the assumption that secret neuroweapons research would advance at a faster but similar development rate as unclassified neuroscience, therefore a brief chronology of the history of classified and unclassified neuroscience related to advanced neuroweapons is presented. The cover story and alternative position are compared before a brief analysis and conclusion are presented. Section 4 considers the second of the two cover stories for neuroweapons; that there are no proven EMR bioeffects except heating. The evidence that this cover story is obsolete is set out by presenting the science of EMR bioeffects related to neuroweapons and US military research based on EMR bioeffects, followed by a summarized history of their development. The cover story and alternative positions are again compared with a brief analysis and conclusion to follow. Section 5 briefly discusses one lesser known and extreme US secrecy method that was

32 Kaku, n. 24 above.

implemented to maintain the secrecy of a CIA domestic surveillance program uncovered with the CIA mind control programs in the 1970s, mentioned above. Section 6 presents conclusions and a recommendation for further investigation.

2. The science of neuroweapons

The public needs to know very basic neuroscience required for neuroweapons development. This does not require rocket science or a neuroscientist to understand it but it does require information that has been missing in the public forum. Generally speaking, the science requirements necessary to develop neuroweapons are as follows. It is thought that the science of neuroweapons would require a general theory for how the brain works and so far there is no unclassified theory and neuroscience is too rudimentary to form the basis of a classified theory. However, this ignores the fact that to a great extent, neuroscientists do not theorize in comparison to other fields of science, for example physicists build theories to be tested.³³ It is well known that neuroscience literature includes voluminous research but few theories to make sense of the data, as science writer John Horgan explained: "Unfortunately, no one has any idea how the brain integrates the output of all its disparate components to create what we think of as a mind, or self. . . . Neuroscientists have done a great job of breaking the brain into pieces, but they have no idea how to put it back together again."³⁴ Therefore, the lack of a brain theory could be because neuroscientists don't theorize, not because a general theory for how the brain works is not possible.

Furthermore, in his 2010 book, *Creating modern neuroscience: The revolutionary 1950s*, Gordon Shepherd, a prominent neuroscientist, wrote that the 1950s can be considered the greatest decade in biology and neuroscience because there were so many discoveries, breakthroughs and milestones. For example, in biology, the structure of DNA was discovered and this led to rise of molecular biology and the Human Genome Project, a US project that sequenced human DNA.³⁵ In neuroscience of the 1950s, the ionic hypothesis explained how brain cells utilize electricity to communicate³⁶ and the hypothesis was the basis for a 1963 Nobel Prize. A great number of similar breakthroughs in the 1950s laid the foundation for modern neuroscience.³⁷ Shepherd suggested that this exceptional scientific activity was unparalleled in neuroscience before or since and for the most part, a general theory of how the brain works could be based on 1950s revolutionary research.³⁸

Shepherd's book received favorable reviews; it has not been contested by neuroscientists; and it is the basis of two Yale University courses on neuroscience. The book won a 2010 International Society for the History of Neurosciences award. A reasonable speculation is that scientists conducting unclassified research would not have recognized a general theory for how the brain works as a result of being discouraged and prevented from researching critical areas of neuroscience required to develop neuroweapons, as shown below. At the same time, the utilitarian CIA mind control researchers would have recognized the

33 James Livingston *Driving force: The magic power of magnets* (1997), 249.

34 John Horgan 'Brain teaser: We think, therefore we are. But we don't know how we think,' *Washington Post*, October 17, 1999.

35 Gordon Shepherd, *Creating modern neuroscience: The revolutionary 1950s* (2010), 11, 12.

36 Eric Kandel, Larry Squire, *Neuroscience: Breaking down scientific barriers to the study of brain and mind*, Science, November 10, 2000.

37 Shepherd, 12, n. 35 above.

38 Shepherd, 232, n. 35 above.

potential for applying this knowledge to neuroweapons development. The US government would have classified any further critical neuroscience required to develop neuroweapons and would have utilized deceitful government cover stories, thus discouraging unclassified research in neuroscience that might reveal the scientific possibility of neuroweapons.

In addition to the requirement of a theory for how the brain works, developing neuroweapons requires knowledge of neuroscience. Neuroscience consists of “the collected multidisciplinary sciences that analyze the nervous system to understand the biological basis for behavior.”³⁹ Consciousness is a branch of neuroscience research that is also defined as the study of the brain biology relationship.⁴⁰ Likewise, neuroweapons are weapons designed to influence and control the behavior of the enemy by controlling brain biology. Therefore, research on the brain biology and behavior relationship is essential for progress in both neuroscience and neuroweapons. However, as shown below, it is hard to believe but true; mainstream neuroscience did not include the study of the relationship between brain biology and behavior—the very basis of neuroscience and neuroweapons—until very recently.

2.1 The electrochemical brain

Solving how the electrochemical brain works and developing neuroweapons are both a physics problem and a biology problem. The study of electricity in biology, including the electrical properties of the human brain is called bioelectricity. Bioelectromagnetics, the study of electromagnetism in biology, is a

branch of bioelectricity. Bioelectromagnetics includes the study of EMR bioeffects which is a critical area of science for neuroweapons, as shown below. Neuroscientists have established that the electricity of the brain communicates information between brain cells with electrical signals but much remains to be discovered and understood. Significantly, for the last sixty years, the basic science and technology requirements for solving how the brain works and likewise for developing neuroweapons have remained the same. Since the mid-twentieth century, neuroscientists have known that brain cells—including the most studied brain cells called neurons—communicate with electrochemical signals. This communication process translates into human activities such as dreams, thoughts, emotions, actions, hearing, seeing and more. Neuroscientists agree that the key to solving how the brain works is to decipher the language of the electrochemical signals, called the neural code.⁴¹

John Chapin, a Defense Advanced Research Project Agency (DARPA) program manager explained that deciphering the neural code is a high research priority for neuroscience because it is one of three great scientific unknowns, along with the origin of the universe and of life on Earth.⁴²

Solving the neural code could lead to finally understanding the mind-brain problem, which is how the biology of the brain results in consciousness and human behavior.⁴³ It could lead to major advances in treating brain disorders and improving the capabilities of

39 Larry Squire et al., *Fundamental neuroscience, Fourth edition* (2013), 3.

40 Ibid. at 1091.

41 John Horgan, The myth of mind control: Will anyone ever decode the human brain? *Discover Magazine*, October 29, 2004. Available at <http://discovermagazine.com/2004/oct/cover>.

42 Ibid.

43 Ibid.

healthy people.⁴⁴ While neuroscientists agree that the brain is the most complex scientific problem today,⁴⁵ there is no agreement among neuroscientists on how to go about solving the neural code. Nevertheless, the brain can be divided into two fundamental components that the public can understand. Neuroscientists often describe the brain as “the electrochemical brain” because the brain consists of two essential and equally important properties—bioelectrical and biochemical.⁴⁶ Significantly, two critical facts to know about neuroweapons are that first, they are based on the bioelectrical properties of the brain, not the biochemical properties of the brain; and second, they require the development of technologies for remote communication and surveillance of the brain and only a bioelectrical approach—not a biochemistry approach—can lead to remote access to the electrochemical brain. Victor Chase authored a book on the importance of research on the electrical activity of the brain. Chase explained that “electrical signals provide the most efficient method of transmitting information within the body. No living creature could survive without electricity, because the body is, in essence, an electrical machine.”⁴⁷ Neuroscientists still don’t understand how the brain’s electrical signals are transformed into human thought, actions, hearing, seeing, and more.⁴⁸

There is no dispute that the electrochemical brain communicates with electrical,

electromagnetic and magnetic signals as well as chemical signals. Additionally it is well established that electrical, electromagnetic and magnetic signals from outside sources can mimic, interfere with or directly communicate with brain cells. For example, neuroscientists have communicated with the brain by way of its electrical properties. Brain implants utilize electrical signals to affect or cause movements and actions, and to alter, influence, even control behavior. Jose Delgado, a Yale University neuroscientist, conducted research in the 1960s and 1970s which helped to establish that brain implants could be remotely controlled to electrically stimulate an animal’s brain to control various complex behaviours, instincts, and emotions.⁴⁹ Delgado stated: “A new technology . . . has proved that movements, sensations, emotions, desires, ideas, and a variety of psychological phenomena may be induced, inhibited, or modified by electrical stimulation of specific areas of the brain.”

It becomes highly relevant that research on the electrical properties of the electrochemical brain has lagged far behind research on the brain’s biochemical properties. Progress on the electricity of the brain is still considered rudimentary.⁵⁰ Furthermore, since the 1960s, biochemistry is the area of research that mainstream neuroscience has completely focused on, at the expense of the equally important research on the bioelectrical properties of the brain. Consequently, it can be argued that bioelectricity, as one of two fundamental properties of the electrochemical brain, should be a major focus of neuroscience but for some reason it is not.

⁴⁴ Ibid.

⁴⁵ Gwen Ifill, ‘Will US forge public-private partnership to draw brain activity map?’ *PBS NewsHour*, February 20, 2013. Available at: http://www.pbs.org/newshour/bb/health/jan-june13/medical_02-20.html.

⁴⁶ Horgan, n. 41 above.

⁴⁷ Victor Chase, *Shattered nerves: How science is solving modern medicine’s most perplexing problem* (2006), 1, 2.

⁴⁸ Ibid.

⁴⁹ Jose Delgado, Physical control of the mind: Toward a psychocivilized society, Vol. 41, *World Perspectives* (1969)

⁵⁰ Chase, 1, n. 47 above.

The second critical fact about neuroweapons is the requirement of the development of technologies for remote access to the brain. Notably, only a bioelectrical approach—not a biochemistry approach—can lead to remote access to the electrochemical brain. An example helps to clarify the difference between bioelectrical and biochemical brain technologies to access the brain. A cell phone caller makes a call and the cell phone transmits the voice message in the form of microwaves traveling through the air—in physics this is known as “action at a distance”—to the microwave cell phone tower. The cell phone tower then transmits the call in the form of microwaves to the cell phone of the person receiving the call which detects the microwaves and converts them back to a voice message. By contrast, action at a distance is not possible with biochemistry. For a chemical reaction to occur, such as two chemicals reacting in a solution to make a third chemical, physical contact is required. Likewise, biochemical brain technologies cannot communicate remotely with the brain, physical contact is required.

Because experiments with invasive technologies on healthy human subjects are unethical, technologies for remote or direct access to the brain are the preferred way rather than invasive technologies such as brain implants and surgeries. While neuroscientists have conducted some brain implant research, the concentration of research has been on indirect methods to access the brain, such as brain scanning technologies, for example, magnetic resonance imaging (MRI). One possible reason for the lack of remote technologies to access the brain is that much of this area of research has been classified since the 1950s and has been off-limits to unclassified researchers. Since then, only the US government has been developing technologies for remote access of the brain to any significant extent.

To summarize, the following will be shown below. The four major areas of neuroscience that are essential for neuroweapons development have been largely missing from mainstream neuroscience research; first, the brain biology and behavior relationship; second, the still undeveloped and rudimentary bioelectricity research; third, bioelectromagnetics research on the brain which seems to provide a method to remotely communicate with, influence, and perhaps even control the brain; and fourth, the bioelectrical technologies—not biochemical technologies—which allow for remote or direct access to the brain. The next sections are a chronology of the development of the basic science required to develop neuroweapons in classified and unclassified neuroscience research since World War II.

3. The development of bioelectricity in neuroscience

Bioelectricity in neuroscience has roots in the study of electricity in medicine and both have faced extreme controversy. Since the eighteenth century, when Benjamin Franklin investigated electricity in medicine and concluded it was a charlatan’s game; it has remained highly controversial.⁵¹ In 1910, the Carnegie Foundation conducted a review of U.S. medical education and it dismissed the “unscientific” use of electric devices—some but not all were of questionable medical value—and also any medical practice not based on the prevailing biochemical theory.⁵² So all mentions of medical devices

⁵¹ Becker, 70, 82, n. 26 above.

⁵² Andrew Marino, *Going somewhere: Truth about a life in science*, (2010). 73. Available at <http://www.goingsomewherebook.com/>. See also Abraham Flexner, *The Flexner Report, Bulletin Number Four, Carnegie Foundation for the Advancement of Teaching*, (2010). Available at <http://www.carnegiefoundation.org/publications/medical-education-united-states-and-canada-bulletin-number-four-flexner-report-0>.

based on bioelectricity were driven from the classroom.⁵³ However, some medical electricity has been established as valid, as shown below. Although there was little intermingling between traditional biology and the study of electricity, Nobel Laureate Albert Szent-Gyorgyi conducted research on solid state physics in biology and another type of electricity besides the ionic current in neurons described above, known as semi-conduction. For example, semi-conduction is found in most computers today; its importance in biology is that the current is small but it can carry information rather than energy and travel long distances.⁵⁴

In the early 1940s, Szent-Gyorgyi proposed an idea that was published in *Science* and *Nature*: that proteins may be semiconductors and this might prove to be the basis of the phenomenon of life.⁵⁵ The paper created much excitement but the theory was rejected on theoretical grounds; the scientific community lost interest and the research lacked funding. Nevertheless, Szent-Gyorgyi's theory later proved to be valid, although there was no interest in pursuing the research.⁵⁶ In the late 1970s, Szent-Gyorgyi provided a possible explanation for why his research was never followed up in mainstream neuroscience: "To sum up, there are four dimensions with which the biologist must be concerned: macroscopic, microscopic, molecular, and submolecular or electronic. Biology readily followed physics into the first three, but took practically no cognizance of the fourth."⁵⁷

Szent-Gyorgyi understood that biology included a variety of electrical properties. However, most biologists have focused only on basic bioelectricity while concentrating most of their research on the many other areas of biology to be studied. Significantly, one of the founding fathers of neuroscience understood the importance of the many electrical properties of the brain. In the early 1960s, Francis Schmitt was instrumental in establishing the field of modern neuroscience.⁵⁸ In a journal article, Schmitt described promising future research that included bioelectricity with an emphasis on the electrical properties of the brain such as semi-conductivity, EMR bioeffects and electrostatic fields.⁵⁹ Significantly, Schmitt cited and recommended Szent-Gyorgyi's research as a promising area to pursue. However, Schmitt's recommendations on bioelectricity in neuroscience research have not been followed up to any significant extent.

Another example of the overall rejection of bioelectricity is the 1950s "biophysics bubble" which burst in the 1960s.⁶⁰ For a short time, biophysics—which included bioelectricity—experienced a short biophysics boom in the 1950s which included multidisciplinary research by physicists and biologists on the study of nerve and brain function. Archibald Hill, Detlev Bronk, and Schmitt, cited above, were all prominent neurophysiologists, scientific administrators and military advisors who promoted the importance of biophysics

53 Becker, 82, n. 26 above.

54 Ibid. at 92, n. 26 above.

55 Albert Szent-Gyorgyi, Study of energy-levels in biochemistry, *Nature*, 3745:157, August 9, 1941. See also, Albert Szent-Gyorgyi, *Introduction to submolecular biology* (1960).

56 Ralph Moss, *Free radical, Albert Szent-Gyorgyi and the battle over vitamin C* (1988), 244.

57 Albert Szent-Gyorgyi, *The living state and cancer* (1978), 4.

58 Shepherd, 4, n. 35 above.

59 Francis Schmitt, 'Psychophysics considered at the molecular and submolecular levels,' in Michael Kasha, Bernard Pullman, eds., *Horizons in biochemistry: Albert Szent-Gyorgyi dedicatory volume* (1962), 453.

60 Nicholas Rasmussen, The midcentury biophysics bubble: Hiroshima and the biological revolution in America, revisited", *History of Science* (1997), 35: 245.

during and after World War II.⁶¹ In the mid-1950s, Schmitt, a director in the US National Institute of Health, (NIH) unsuccessfully attempted to implement biophysics research as a major area of government research on the same footing as biochemistry or molecular biology.⁶² However, government documents indicate that NIH biochemists rejected this approach in various ways.⁶³ In the late 1950s, biochemists included physical chemistry in their research and this seems to have contributed to the disappearance of biophysics research in the 1960s.⁶⁴

Significantly, since World War II, although most neuroscientists only study the brain through biochemical research, US government scientists conducting classified neuroscience research are known to have utilized EMR technologies and bioelectricity as well as biochemistry to study the brain. To explain, the 1940s led to the discovery of semiconductors, the invention of transistors and integrated circuits, and the invention of the computer. In the 1950s, quantum physics, electrical engineering and solid state physics led to classified research on radar, National Security Agency (NSA) surveillance capabilities and satellite reconnaissance. Radar, NSA surveillance, and satellite reconnaissance required EMR technologies to develop the capability of remote sensing, detection of foreign communications signals and more. As Hill, the military advisor cited above explained, radar work would be “useful preparation for a career in biophysics.”⁶⁵ In fact, the physiologist Alan Hodgkin, one of three men to become a

1963 Nobel laureate for the ionic hypothesis of neurons in the brain, discussed above, applied his secret World War II research on radar to constructing electronic equipment for detecting the tiny electrical signals of squid brains.⁶⁶ Hodgkin was one of the few scientists known to have applied his wartime physics research to unclassified neuroscience research, with great success.

A major portion of physics papers after World War II remain classified⁶⁷ and major areas of physics that could contribute to the development of research on the bioelectricity of the brain remain unavailable to unclassified researchers. Paul Forman, author of a journal paper on quantum electronics for national security stated: “During the 1950s the cumulative number of announced and available number of papers [that were] properly published in US physics journals [was]—about 50,000—but it was probably only some small percentage of the (unknown) number of security classified reports in physics and its technical applications prepared in that decade.”⁶⁸ Furthermore, classified scientific war research, which concentrates on national security objectives, is different in style from unclassified peacetime research; “in war, research goals were set, deadlines were tight but resources were no problem; the only thing that mattered were the research goals.”⁶⁹

As mentioned above, since the 1950s, only the US government has been developing technologies for remote access of the brain to any significant extent. In the 1980s, Richard

61 Soroya de Chadarevian, *Designs for life: Molecular biology after World War II* (2002), 1.

62 Gordon Rasmussen, *Picture control, The electron microscope and the transformation of biology in America, 1940-1960* (1997), 195.

63 Ibid

64 Rasmussen, 195, n. 62 above.

65 Chadarevian, 74, n. 61 above.

66 Ibid. at 87, 88.

67 Paul Forman, Behind quantum electronics: National security as basis for physical research in the United States, 1940-1960, *Historical Studies in the Physical and Biological Sciences*, 18:1 (1987), 170.

68 Ibid.

69 Chadarevian, 88, 74, n. 61 above.

Cesaro, deputy director for advanced sensors at DARPA stated that animal experiments in the 1960s and 1970s confirmed microwaves can penetrate the brain and with modulation may be able to carry information to influence the brain.⁷⁰ Classified research such as the DARPA EEG research is based on the bioelectrical properties of the brain which seem to allow for remote surveillance; in 1976, DARPA reported to Congress that mind-reading machines are beginning to decipher a person's brain waves or EEG.⁷¹ Agency scientists stated that current technologies require electrodes placed on the scalp, however, they described magnetic brain waves that could be detected a few feet away and greater distances could be achieved in the 1980s.⁷² It is not known whether the DARPA research on remote access to the brain was ever developed.

As Dr. Ichiji Tasaki wrote in his 1982 book, *Physiology and electrochemistry of nerve fibers*: "One of the difficulties encountered in writing this book has been that many students of biology and medicine are not sufficiently familiar with the basic concepts in thermodynamics and electrochemistry." It seems likely that neuroscientists do not study beyond the basic physics of their educational requirements. It becomes obvious that biophysics and bioelectricity could have but did not become a significant part of mainstream neuroscience research.

3.1 Bioelectricity and the neuron doctrine

Bioelectricity in neuroscience has been met with further opposition from an unlikely

source, the neuroscientists themselves who do not want to look beyond established doctrines even though they have been shown to be lacking. The neuron doctrine is a fundamental tenant of modern neuroscience; it states that the neuron is the primary functional signaling unit of the brain and connects with other neurons.⁷³ This is also the principle behind the so-called connectionist model; connectionism is an influential school of neuroscience thought, as will be shown below. The neuron doctrine is taught in every neuroscience textbook today,⁷⁴ however, it is considered incomplete and too simplistic to explain how brain biology is related to human behavior, without extending its principles.⁷⁵ This is not happening and some neuroscientists say that it should be.⁷⁶

The action potential which is made up of the ionic current of the neuron described in the Nobel Prize winning ionic hypothesis cited above, remains the most studied area of bioelectricity in neuroscience. However, bioelectricity is based on the laws of physics which state there is no electricity without electromagnetic and magnetic fields, including in the brain. Therefore, besides the action potential, bioelectricity of the brain also requires the study of interactions of electricity, magnetism, and electromagnetism in the brain and measuring and studying how the brain communicates with electrical currents, electric signals, semi-conduction, direct and alternating currents, EMR, magnetic signals, and more.

For decades, neuroscientists have known that brain electricity is much more than just ionic currents in the neuron. Nevertheless, the neuron doctrine prevailed throughout

⁷⁰ Barton Reppert, Looking at the Moscow Signal, the zapping of an Embassy 35 years later, The mystery lingers, *Washington Associated Press*, May 22, 1988.

⁷¹ Norman Kempster, Mind reading machine tells secrets of the brain: Sci-Fi comes true, *Los Angeles Times*, March 29, 1976.

⁷² Ibid.

⁷³ Kandel, n. 36 above.

⁷⁴ Horgan, n. 41 above.

⁷⁵ Shepherd, 112, n. 35 above.

⁷⁶ Horgan, n. 41 above.

the twentieth century⁷⁷ and it had the effect of preventing any significant research on discoveries of additional methods of bioelectrical brain communication systems. In 1961, Robert Galambos, a neurophysiologist, wrote that the decades of research on the neuron and its action potential has not and will not provide an explanation for human behavior such as remembering a name.⁷⁸ The neuron doctrine and the neuron's action potential will never be able to explain how the brain works.⁷⁹ Theodore Bullock, another pioneering neuroscientist, echoed Galambos in a 1996 journal article, describing the neuron doctrine's grip over neuroscience as nearly absolute.⁸⁰ Regarding the electricity of the brain; little else but the neuron doctrine and the neuron's action potential are accepted as valid in mainstream neuroscience today. In a 2005 science magazine article, *The Myth of Mind Control*, Walter Freeman, a neuroscientist at the University of California at Berkeley, also explained that the focus on the neuron doctrine is misplaced and other bioelectricity approaches should be considered such as further study of EMR bioeffects.⁸¹

Without a doubt, bioelectricity research remained rudimentary and narrowly focused on the neuron doctrine, ionic currents, and action potentials. It is true that some neuroscientists have made significant progress on lesser known bioelectricity research other than the neuron doctrine, however, the research remains either a small

part of neuroscience research as a whole, or it is side-lined and marginalized, with some of the research considered fringe science.⁸²

Now the limits that the neuron doctrine has placed on bioelectricity research seems to be extending to major areas of future neuroscience research funded by the US government. In his 2013 state of the union address, President Obama proposed a Brain Mapping Project which is based on the neuron doctrine and the connectionist model.⁸³ An interview of Columbia University's Raphael Yuste, included this description of the project: "By mapping circuit activity, Yuste thinks researchers can "discover patterns that are the physical representation and origin of mental states--of thoughts, for example, or memories."⁸⁴ Yuste explained that researchers want to chart a functional

77 Robert Galambos, A Glia-neural theory of brain function, *Proceedings of the US National Academy of Sciences* Volume 47. No.1, January 15, 1961, 136.

78 Ibid.

79 Shepherd, 112, 113, n. 35 above.

80 Theodore Bullock, 'Neural integration at the mesoscopic level: The advent of some ideas in the last half century, *Journal of the History of Neuroscience*, Volume 4 No.3-4, 1995, 231.

81 Horgan, n. 12 above.

82 A.A.P. Leao, Further observations on the spreading depression of activity in the cerebral cortex, *Journal of Neurophysiology*, 10:409, November 1947. See also B. Libet, & R.W. Gerard, Steady potential fields and neurone activity, *Journal of Neurophysiology* 4:438, September 1941.

For brain/EMR interactions, see R.H.W. Funk et al., Electromagnetic effects, from cell biology to medicine, *Progress in Histochemistry and Cytochemistry* 43:185,189 (2009).

For dc brain currents, see Robert Becker, Electromagnetic forces and life processes, *Technology Review* 38 December, 1972. For advances in dc brain research, see Michael Nitsche et al., *Transcranial direct current stimulation: State of the art*, (2008) 206.

For semi-conduction, see Janos Ladik, Solid state physics of biological macromolecules: The legacy of Albert Szent-Györgyi, *Theochem*, 666-667:1, December 2003.

For analog digital brain communication, see George Gilder, *The silicon eye* (2005), 141. See also George Dyson, *Turing's Cathedral, the origins of the digital universe* (2012), 280, 281.

83 Ifill, n. 45 above.

84 Robert Gonzales, 'Here's how Obama's brain mapping project will actually work,' *IO9 blog*, February 22, 2013. Available at <http://io9.com/heres-how-obamas-brain-mapping-project-will-actually-5986161>.

model of the brain by mapping each of the billions of neurons in the human brain and observing their actions. Neuroscientists acknowledge that Obama's brain project will take decades to complete.

It is also significant that Obama's Brain Mapping Project, which is now a part of the BRAIN Initiative⁸⁵ has focused on developing invasive electronic technologies such as nanoprobe and wireless microcircuits that will float freely in the brain. The proposed technologies to access the brain involve physical contact, invasive procedures or bulky machines and cannot be done remotely. DARPA will have some influence on the BRAIN Initiative; the agency is funding 40 million of approximately 132 million of the start-up funding. It seems likely that the limits on bioelectricity research by the neuron doctrine will continue.

3.2 Three revolutions in science

As Shepard explained above, the revolutionary 1950s set the course for modern neuroscience. In the 1950s, three revolutions in science—the biology revolution, psychology's behaviorist revolution, and the cognitive revolution—resulted in tumultuous changes for neuroscience. Unclassified neuroscience developed with a focus on molecular biology and biochemistry and a significant lack of both bioelectricity and also the study of the brain biology behavior relationship.⁸⁶ As described in the previous section, neuroscience since the 1960s has focused on biology and biochemistry over

biophysics. This section will look at how neuroscience is defined as the relationship of brain biology to human behavior, however, neuroscientists in the 1960s and beyond have focused on behavioral approaches to the study of the brain with no study of its relationship to the biology or biochemistry of the brain. The 1950s was the beginning of the biology revolution.⁸⁷ The biology revolution in science and the cognitive revolution in psychology took off in the 1960s and since then, molecular biology, cognitive psychology, and biochemistry have remained the dominant areas of research in neuroscience.⁸⁸ As explained above, the great interest in biophysics in the 1950s did not last through the 1960s.⁸⁹

Although the study of bioelectricity is equally as important as the study of biochemistry of the electromagnetic brain, in unclassified neuroscience research, bioelectricity was absorbed by biochemistry, and molecular biology. Today, the major areas of research that have dominated neuroscience are cellular and molecular biology, cognitive psychology and systems neuroscience, which developed into brain imaging.⁹⁰ For example, in 2012, there were 40,000 members of American Society for Neuroscience with "massive representation of molecular biology, cognitive psychology and brain imaging."⁹¹ "[M]olecular biology is now expected to take the dominant role in the twenty-first century that physics played in the twentieth."⁹²

85 Joshua Sanes, Mapping the way to a brain survey, Harvard Magazine, July/August 2013. Available at <http://harvardmagazine.com/2013/07/mapping-the-way-to-a-brain-survey>. See also <http://www.bioethics.gov/sites/default/files/news/Charge%20from%20President%20Obama.pdf>

86 Larry Squire, Eric Kandel, *Memory: From mind to molecules*, (1999), 5, 6, 7.

87 Ibid.

88 Jean-Pierre Changeux, *The good, the true and the beautiful* (2012), 317.

89 Rasmussen, 245, n. 60 above.

90 Squire, preface, n. 39 above.

91 Changeux, 317, n. 88 above.

92 Chadarevian, 1, n. 61 above.

Additionally, since the 1950s, the behaviorist revolution has had the significant impact of preventing study of the relationship of brain biology to behavior, until the last few decades. From the early twentieth century through the 1960s, the behaviorism movement dominated psychology. Behaviorism included experiments utilizing for example, stimulus-response and observable behavior studies. Significantly, behaviorism excluded any study of biological factors and brain processes. In the 1950s, prominent scientists were also actively supporting the behaviorist approach in CIA mind control research. For example, Jolly West, a CIA scientist and the director of the University of California at Los Angeles Neuropsychiatric Institute, was instrumental in promoting behaviorism. There were several CIA scientists including Harold Wolff and Ewen Cameron, and others who wittingly and unwittingly were receiving CIA funds for the research.⁹³ This had the overall effect of limiting research on the brain biology relationship.

In the 1960s, the inability of behaviorism to explain cognitive factors such as intelligence and personality led to its downfall. After the 1960s, its restricting effect on biological causes of behavior remained in evidence, for decades. One psychologist explained: "Advocates of biological approaches to psychological problems found little financial support, little academic encouragement, and few outlets in psychological publications."⁹⁴ The cognitive revolution replaced behaviorism; and by joining the biology revolution, cognitivists began to study mental processes in the brain, although primarily with indirect tools such as brain

scanning technologies. Two major areas of cognitive psychology developed; molecular biology and systems biology, which is the study of "mapping elements of cognitive function onto specific brain areas."⁹⁵

The brain scanning technologies such as the PET scans and fMRI enabled research on systems biology to flourish. Although it is slowly starting to change, cognitive scientists have studied the mental processes but have ignored brain biology, instead taking a functionalist approach based on the belief that the functioning of a person can be studied independently of other factors.⁹⁶

The functionalist approach in neuroscience remained a significant influence, for example in connectionist research;⁹⁷ neuroscientists who focused their research on the biology of the brain have not embraced the connectionist approach,⁹⁸ for reasons such as the connectionist modeling did not usually match how the brain functions in reality.⁹⁹ Thus, both the cognitive revolution and also the connectionist approach have been slow to reduce the enormous gap between the study of brain biology and human behavior that began with behaviorism.

The study of consciousness, which is another area of study of the brain behavior relationship, has been subject to centuries old religious and philosophical debates. The scientific approach to the study of consciousness was considered heresy¹⁰⁰ and the study of consciousness was off

93 Rebecca Lemov, *World as laboratory, Experiments with mice, mazes, and men* (2005), 189, 190.

94 Hans Eysenck, *The future of psychology*, in Robert Solso, ed., *Mind and brain sciences in the 21st Century* (1999), 283.

95 Squire, 6, 7, n. 86 above.

96 Francis Crick, *What mad pursuit: A personal view of scientific discovery* (1988), 149, 150.

97 Douwe Draaisma, *Metaphors of memory: A history of ideas about the mind* (2000), 190.

98 Ibid. at 201.

99 Ibid.

100 David Chalmers, *The Puzzle of conscious experience*, *Scientific American*, December 1995.

limits in psychology and also neuroscience throughout most of the 20th century.¹⁰¹ In the late 1980s, Francis Crick, a physical chemist and Nobel laureate for discovery of the structure of DNA, and Christof Koch, a neuroscientist, began to study and publish papers on consciousness, in spite of the complete rejection of such research by most of their peers.¹⁰² The science of consciousness remains a relatively small area of neuroscience research today.¹⁰³

Benjamin Libet, a neuroscientist, described that the US National Institutes of Health (NIH) and the National Science Foundation (NSF) would not fund consciousness research.¹⁰⁴ At the same time, Libet stated that a large number of internationally prominent figures in neuroscience supported his consciousness research.¹⁰⁵ For decades, most neuroscientists did not believe anything could be found in the study of brain biology and behavior relationship.¹⁰⁶ Crick asked some of his peers in neuroscience why they think this way; reasons given included that the brain is so complicated, examining the brain closely won't result in significant progress.¹⁰⁷ Crick stated that he found this reasoning "most peculiar."¹⁰⁸

Brief analysis and conclusions of the first of two cover stories

It can be argued that the new evidence of a 1950s theory for how the brain works

is compelling evidence that should be considered in any evaluation of whether neuroweapons are science fiction or science fact. The consensus that neuroweapons are science fiction is based on the assumption that secret neuroweapons research would advance at a similar development rate as unclassified neuroscience. Nevertheless, this position can now be shown to be significantly flawed. Missing from the consensus is the following information. Unclassified neuroscientists had no theory for how the brain works to guide them. The major areas of unclassified neuroscience research, molecular biology, cognitive neuroscience, and brain imaging research, which had their beginnings in the 1950s, remain the dominant areas of research in neuroscience today. At the same time, research on the bioelectricity of the brain—with the exception of the extensive research on the action potential of the neuron—has remained classified in the 1950s CIA mind control programs and DARPA programs to develop technologies for remote access to the brain. It can be argued that the extremely skewed development of neuroscience research described above may have come about in large part to allow only classified CIA scientists to develop neuroweapons and therefore maintain complete secrecy.

As a result, unclassified neuroscientists could only study the biochemistry of the brain, even less so because of the restrictions imposed by the neuron doctrine and the restrictions on the study of the brain biology and behavior relationship. Without tools based on bioelectricity to remotely access the brain, few human experiments can be done ethically and neuroscientists conducting unclassified research can only study the brain indirectly, for example with brain scanning technologies. At the same time, the evidence suggests that US government scientists conducting classified neuroweapons research had tremendous, almost unbelievable

101 Ibid. See also Solso, 306, n. 94 above.

102 Christof Koch, *Consciousness: confessions of a romantic reductionist* (2012), 5, 6.

103 Greg Miller, What Is the biological basis of consciousness? *Science*, Volume 309, July 1, 2005, 79.

104 Larry Squire, ed., *History of neuroscience in autobiography*, Volume 1 (1996), 446.

105 Ibid.

106 Draaisma, 190, n. 97 above.

107 Crick, 150, n. 96 above.

108 Ibid.

advantages. All of the requirements for the development of neuroweapons cited above were available: a 1950s theory for how the brain works, the study of both biochemistry and also bioelectricity of the brain, the brain biology and behavior relationship, and more advanced technologies for remote access the brain.

A reasonable conclusion would seem to be that the development trends found in classified and unclassified neuroscience research are either an alarming coincidence or a strong indication that the science of neuroweapons have been well hidden and well known for decades--but only to US government scientists conducting secret research. Furthermore, unclassified research gives glimpses of what is possible: the expectation is that classified research into bioelectricity would be far more developed, as further shown in the next section.

4. The second of two cover stories; EMR bioeffects policy

Since the 1950s, the US government has endorsed an EMR bioeffects policy which states that there are no proven EMR bioeffects, only heating effects. This section presents the following. The science of EMR bioeffects is briefly summarized, then a summary of the science of EMR bioeffects for neuroweapons is described. Next, a brief chronology of some of the history of EMR bioeffects policy, including a brief history of bioelectromagnetics, the science of EMR bioeffects is presented. Additionally, it will be shown that there are strong indications that the US EMR bioeffects policy is consequential to the Cold War history of an ongoing secret arms race between the US and Russia over neuroweapons. A short analysis and conclusions are given.

4.1 Science of EMR bioeffects

In the nineteenth century, James Clerk Maxwell discovered that all physical phenomena, from energies to chemical and solid bodies are built on oscillations. With oscillation comes EMR. Maxwell discovered all waves are mathematically identical with relationships along a continuum known as the electromagnetic spectrum, for example microwaves, light, and also the kilohertz oscillations by the neurons in the brain.¹⁰⁹

EMR bioeffects are based on the fact that electricity, magnetism and electromagnetism are interconnected phenomena, including in the human body and the brain. EMR bioeffects are based on the well-established fact that electrical currents, (including those in the brain) produce electromagnetic fields. The brain can also be influenced by external electricity and electromagnetic and magnetic fields.¹¹⁰

An example of magnetic signals that can influence behavior is transcranial magnetic stimulation (TMS), a medical therapy that directs tiny magnetic signals at certain areas of the brain to relieve depression.

Alan Frey, a physicist, neuroscientist, and one of the founders of the Bioelectromagnetics Society, wrote that EMR is ubiquitous in biology and significantly, internal EMR signals are modulated with information like a radio for brain communication: "[L]iving beings are electrochemical systems that use very low frequency electromagnetic fields in everything from protein folding through cellular communication to nervous system

¹⁰⁹ George Gilder, *Telecosm: How infinite bandwidth will revolutionize our world* (2000), 16.

¹¹⁰ Robert Becker, *Cross currents: The perils of electropollution, the promise of electromedicine* (1990), 69.

function. To model how EM fields affect living beings, one might compare them to the radio we use to listen to music. . . . This is the model that much biological data and theory tell us to use.”¹¹¹

The basic scientific concept behind EMR bioeffects is as follows: “Numerous independent experiments reported in the peer-reviewed journal research literature conclusively establish that nonthermal bioeffects of low-intensity EM fields do indeed exist. . . . Extremely weak EM fields may, at the proper frequency and site of application, produce large effects that are either clinically beneficial or harmful. Some specific frequencies have highly specific effects on tissues in the body, just as drugs have their specific effects on target tissues.”¹¹² Significantly, a 1991 *International Review of the Red Cross (ICRC)* report on directed energy weapons described the same finding: “Research work has also revealed that pathological effects close to those induced by highly toxic substances could be produced by electromagnetic radiation even at very low power, especially those using a pulse shape containing a large number of different frequencies.”¹¹³

A 2010 review of EMR bioeffects literature concluded that although EMR bioeffects science remains unsettled, there is no doubt that biosystems can be affected by EMFs at several levels: “There is also little doubt that biosystems can be the source of EMFs. The main question at hand is whether biosystems use EMF for a purposeful interaction (communication) and if so at what level of the bio-organism will it happen? The amount of

data that support the latter notion is rapidly mounting.”¹¹⁴

Most would agree that bioelectromagnetics is fundamental to human biology and yet other prevailing scientific viewpoints about EMR support the argument this research is still rudimentary: “Even though the body is basically an electrochemical system, modern science has almost exclusively been concerned with the chemical aspect.”¹¹⁵

4.2 EMR bioeffects for neuroweapons

Conventional neuroscience maintains that electricity is the primary communication system in the brain, based on the neuron doctrine. As noted above, the current state of EMR bioeffects research is the determination of whether the brain communicates information among the brain cells with electromagnetic waves that are given off and received by the brain cells. This is unsettled science, as much remains to be discovered and understood. This is the area of science that is also politicized, controversial and classified.

Nevertheless, in the 1980s, research had begun to establish both internal and also external sources of electromagnetic radiation (EMR) can communicate with the brain and alter behavior.¹¹⁶

EMR bioeffects seems to be important for both future neuroweapons and for solving the brain’s so-called neural code.¹¹⁷

111 Allan Frey, ed., *On the nature of electromagnetic field interactions with biological systems* (1994), 4.

112 Beverly Rubik, et. al, *Bioelectromagnetics applications in Medicine: Report to the NIH*, (1992).

113 Doswald-Beck, n. 10 above.

114 Michael Cirfra, et al., *Electromagnetic cellular interactions, Progress in Biophysics and Molecular Biology* (2010).

115 Simon North, *War in the desert, Electronic weapons*, *London Guardian*, February 2, 1991.

116 Samuel Koslov, *Bridging the gap*, in Ross Adey, Albert Lawrence eds., *International conference on nonlinear electrodynamics in biological systems* (1984), 586. See also R.H.W. Funk et al., n. 82.

117 Horgan, 42. n.163 above.

Lewis Slesin, editor of the trade publication *Microwave News* explained that the science for EMR and its effect on human behavior has been established and the CIA's mind control programs have explored whether EMR can target people at a distance.¹¹⁸ The results of the CIA research are not known; the research remains classified.¹¹⁹ As will be shown, the science of EMR seems to be extremely important to US national security because it provides the most viable method known for remote access to the brain.

Therefore, a few examples of the science of EMR bioeffects research on the brain as it relates to neuroweapons is presented next. The research has held great weapons potential for decades and what little information that is available in unclassified research remains extremely rudimentary and speculative.

Robert Becker, one of the founders of the science of bioelectromagnetics in the 1960s¹²⁰ and twice nominated for a Nobel Prize for his bioelectromagnetics research,¹²¹ described a major scientific principle of bioelectromagnetics:

The microwaves alone (unmodulated) have no effect. The two types of modulation that are biologically important are pulsed and amplitude. Modulation is the secret of transmitting information by means of electromagnetic fields. It appears that [*like AM radio*] the body also demodulates the signal when exposed to modulated radio-frequency or microwave fields; the biological effect is that of the low-frequency modulation. In this view, *all biological effects are produced by ELF frequencies*. This makes

sense, because the body systems that pick up electromagnetic field are "tuned" to natural frequencies between 0 and 30 Hz.¹²²

In the 1980s, Becker described a military report that stated microwave pulses appeared to produce stimulation in the central nervous system.¹²³ Becker stated the stimulation was comparable to Jose Delgado's research, cited above, that found brain implants could be remotely controlled to electrically stimulate an animal's brain to control various complex behaviours, instincts and emotions.¹²⁴ In other words, the same precise behavioral effects produced by stimulation of brain cells by implants could be produced by EMR alone directed at the brain—without implants. However promising the research is, there has been no follow up in unclassified research.

The following classified CIA research plan was released under the Freedom of Information Act. This research has yet to be experimentally proven, however, if proven, precise mind control would be possible:

The experimenter, J.F. Schapitz, stated: "In this investigation it will be shown that the spoken word of the hypnotist may also be conveyed by modulated electromagnetic energy directly into the subconscious parts of the human brain – i.e., without employing any technical devices for receiving or transcoding the messages and without the person exposed to such influence having a chance to control the information input consciously.

118 Louis Slesin, editorial, *Nation*, 14 March 1987.

119 Ibid. See also Mazzetti, n. 3 above.

120 Paul Rosch and Marko Markov, ed., *Bioelectromagnetic medicine* (2004), vii.

121 North, n. 115 above.

122 Becker, *Cross currents*, 212, at n. 110 above.

123 Ibid. at 304, n. 110 above. The report is: Paul Tyler, Lt. Col. David Dean, ed., 'The Electromagnetic Spectrum in Low-Intensity Conflict' (Maxwell Air Force Base, Ala.: Air University Press, 1986). Available at <http://www.icomw.org/archives/index.asp>.

124 Becker, *Cross currents*, 304, n. 110 above. See also Becker, *Body electric*, 319, 320, n. 26 above.

As a preliminary test of the general concept, Schapitz proposed recording the brain waves induced by specific drugs, then modulating them onto a microwave beam and feeding them back into an undrugged person's brain to see if the same state of consciousness could be produced by the beam alone. . . .

The second experiment was to be the implanting of hypnotic suggestions for simple acts, like leaving the lab to buy some particular item, which were to be triggered by a suggested time, spoken word, or sight. Subjects were to be interviewed later. "It may be expected," Schapitz wrote, "that they rationalize their behavior and consider it to be undertaken out of their own free will."¹²⁵

Significantly, as cited above, the ICRC and the report for the NIH also described EMR bioeffects that act like drugs. Additionally, in a 2002 US Department of Commerce, *Converging Technologies For Improving Human Performance*, Robert Asher of Sandia Laboratories proposed research on the effects of EMR on the brain: "This investigation may spawn a new industry in which the human is enhanced by externally applied electromagnetic pulses so shaped as to enhance specific biochemical changes within the body without drugs."¹²⁶

Michio Kaku, a physicist, explained how EMR could be utilized to develop the capabilities that are fundamental to neuroweapons: "In principle the brain is a transmitter over which our thoughts are broadcast in the form of tiny electrical signals and electromagnetic waves. ... Radio waves can be beamed directly into the human brain to excite areas of the

brain known to control certain functions."¹²⁷ Kaku explained that in the 1950s, Wilder Penfield, a neurosurgeon found that if he used electrodes to stimulate the brain, his patients would report effects as hearing voices or seeing things that originated in their mind.¹²⁸ Today, Penfield's research remains rudimentary in its development, nevertheless Kaku made the following conclusion: "In the future it may be possible to beam electromagnetic signals at precise parts of the brain that are known to control specific functions."¹²⁹

In 2010, the prominent physicist Freeman Dyson speculated: "The essential facts that will make detailed observation or control of a brain possible" are microwave signals and two tools; first microscopic radio transmitters and receivers; and second, a tool to convert neural signals into radio signals and vice versa.¹³⁰

Numerous further speculative examples of the rudimentary level of the unclassified science are available.

4.3 Chronology of EMR bioeffects policy

Many argue that the study of EMR bioeffects, called bioelectromagnetism, has been discredited during the first half of the twentieth century and has no scientific validity.¹³¹ Physicians discovered that ionising EMR frequencies such as in x-rays could produce cancer and that non-ionising EMR frequencies below light did not seem to cause cancer. Therefore the general

¹²⁵ Becker, *Body electric*, 321, n. 26 above.

¹²⁶ US Department of Commerce, *Converging Technologies Report* (2002), 355, 356. Available at <http://www.wtec.org/ConvergingTechnologies/>.

¹²⁷ Kaku, n. 24, above.

¹²⁸ Ibid.

¹²⁹ Ibid.

¹³⁰ Freeman Dyson, Radiotelepathy: Direct communication from brain to brain, in John Brockman, ed., *This will change everything: Ideas that will shape the future* (2010), 146.

¹³¹ Becker, *Body electric*, 70, 82, n. 26 above.

conclusion was that non-ionising EMR had no biological effects: "Classical concepts of physics simply did not allow for any meaningful interaction between any form of non-ionising electromagnetic radiation and living organisms."¹³²

In addition, since World War II, the Department of Defense (DoD) has heavily relied on radar and other EMR technologies. Some argue that to prevent lawsuits over possible health effects from exposure to EMR, the DOD maintain a policy that there are "no proven biological effects" from EMR; only heating effects.¹³³ The electrical power line companies have also maintained that there are no proven EMR bioeffects.¹³⁴ In both cases, an EMR bioeffects policy avoids large legal pay outs for possible health effects from exposure to unhealthy levels of radar or from living near power lines.¹³⁵

For decades, the American Physical Society (APS) has maintained the policy that EMR does not interact with human biology including the brain and there are only heating

effects.¹³⁶ The APS has stated that the scientific basis for the policy is that there is no proven physical mechanism to explain bioeffects of EMR so there can't be any EMR bioeffects except heating.¹³⁷ This reasoning has been criticized on the grounds that mechanisms to explain EMR bioeffects may exist even though physicists haven't discovered them yet.¹³⁸ Many experimental effects are shown in science without a theoretical background. For example, gravity remains an unexplained phenomenon although it obviously exists. Another example, scientists don't have a theory for how the brain works but all know that the brain does work.

More recently, some have argued that exposure to microwave radiation from cell phones and cell phone towers may be harmful to a person's health. In 2012, a report reviewed 1800 new studies on EMR. The report referred to radio frequency radiation and wireless technologies and concluded: "Overall, there is reinforced scientific evidence of risk where there is chronic exposure to low-intensity electromagnetic fields and to wireless technologies (radiofrequency radiation including microwave radiation)."¹³⁹ Cell phone companies also seem to have an interest in maintaining the EMR bioeffect

132 U.S. Environmental Protection Agency website. 'Radiation that has enough energy to move atoms in a molecule around or cause them to vibrate, but not enough to remove electrons, is referred to as "non-ionizing radiation". Examples of this kind of radiation are sound waves, visible light, and microwaves.' Available at: http://www.epa.gov/radiation/understand/ionize_nonionize.html. Robert Becker, *Electromagnetism and life*, in Andrew Marino, ed, *Modern Bioelectricity* (1988), 1. See also the website <http://andrewamarino.com/>.

133 Christopher Ketcham, Warning: Your cell phone may be hazardous to your health, *Gentleman's Quarterly*, February 2010. Available at <http://www.gq.com/cars-gear/gear-and-gadgets/201002/warning-cell-phone-radiation?currentPage=2>.

134 Ibid.

135 Ibid. See also Marino, *Going Somewhere*, 73, n. 52 above.

136 David Hafemeister, Resource Letter BELFEF-1: Biological effects of low-frequency electromagnetic fields, *American Journal of Physics* 64.8, 1996, 974. Available at: <http://works.bepress.com/dhafemei/13>. For a critique, see Lewis Slesin, The science and politics of the EMF puzzle: The missing pieces in the Frontline story, *Microwave News*. Available at <http://microwavenews.com/front.html>.

137 Ibid.

138 James Livingston, *Driving force, The natural magic of magnets* (1997), 249.

139 29 authors from ten countries, BioInitiative Report 2012: A rationale for biologically-based exposure standards for low-intensity electromagnetic radiation (ELF and RF). Available at <http://www.bioinitiative.org/>

policy to avoid lawsuits from possible EMR health effects.¹⁴⁰

These prevailing scientific viewpoints have been firmly in place for decades, some since World War II, and likely contributed to the current consensus that there is no proven scientific basis establishing EMR neuroweapons could be a serious threat comparable to the atomic bomb. Despite the decades of funding for secret EMR neuroweapons research beginning with the 1950s CIA mind control experiments, the weapons are not considered a significant threat to national security today. This is highlighted by recent civilian reports and articles on neuroscience applications to national security only examining rudimentary directed energy weapons under development.¹⁴¹ However, the next sections will highlight the reasons why the development of the science of EMR bioeffects has remained rudimentary.

4.4 The 1950s EMR bioeffects national security threat

In the 1950s, the US and former Soviet Union (USSR, called Russia for this paper) seemed to have discovered the weapons potential of EMR. In 1953, Russia began bombarding the US Embassy in Moscow with low level EMR and “five presidents kept it secret.”¹⁴² The

CIA analyzed the bombardment of the US Embassy with microwaves and discovered it matched those microwave characteristics mentioned in published Soviet experiments involving behavioral effects in rats.¹⁴³ Milton Zaret was contacted by Samuel Koslov (the advisor to the President on this issue); Zaret had previously conducted research for the CIA which suggested it might be possible for microwaves to be used to create mind control weapons. Zaret’s experiments for the CIA replicated Soviet rat experiments on the behavioural effects of microwaves which were “translated into the different scientific nomenclature used in the United States, like a microwave Rosetta Stone.”¹⁴⁴

This is one of several indications that despite the prevailing scientific viewpoints on the lack of EMR bioeffects, some EMR bioeffects research was scientifically sound and it was also a significant national security concern.

In 1965, Koslov, who also worked for the Advanced Research Projects Agency (ARPA, now known as DARPA), ran the Pentagon’s Project Pandora; which secretly studied the behavioral and biological effects of low-level modulated microwaves.¹⁴⁵ Ross Adey (a pioneer of bioelectromagnetic medicine), Zaret, and other bioelectromagnetics experts were consulted by US government agencies or conducted secret work on Project Pandora.¹⁴⁶ These experts found that EMR affected the nervous system; however Koslov later

140 Ibid.

141 Kate Kelland, Neuroscience: The new face of warfare, *Reuters*, February 7, 2012. Available at <http://www.abc.net.au/science/articles/2012/02/07/3425093.htm>. See also Jason Koebler, Scientists warn of ethical battle concerning military mind control, *U.S. News*, March 20, 2012. Available at http://www.usnews.com/news/articles/2012/03/20/scientists-warn-of-ethical-battle-concerning-military-mind-control?google_editors_picks=true.

142 David Jones, Opening Pandora’s box, *Fulcrum Central Productions*, BBC documentary, Channel 4, England, 1984.

143 Marino, 1, n. 132 above. See also Andrew Marino website <http://andrewamarino.com/>.

144 Jones, n. 142 above. See also Steneck, 94, n. 18 above.

145 Marino, *Going somewhere*, 163, n. 52 above. See also Steneck, 94, n. 18 above.

146 Ibid. Marino, n. 52 above.

destroyed the Project Pandora documents¹⁴⁷, reporting he did not have enough room to store them.¹⁴⁸ Koslov concluded, without explanation, that “the Moscow microwave beam was not an effective mind-control weapon”,¹⁴⁹ however, a recent Washington Post article stated that Project Pandora conclusions were uncertain: “The results were mixed, and the program was plagued by disagreements and scientific squabbles.”¹⁵⁰

At the same time, CIA EMR mind control research was considered of primary importance to national security.¹⁵¹ For example, at a 1977 US congressional hearing on CIA mind control programs, CIA medical doctor Sidney Gottlieb’s testimony discussed CIA mind control programs, the possibility of mind control using radiowaves and the Embassy bombardment: “It was felt to be mandatory and of the utmost urgency for our intelligence organization to establish what was possible in this field on a high priority basis.”¹⁵²

4.5 1960s and 1970s; bioelectromagnetics research flourishes

As cited above, study of the neuron doctrine and the action potential seemed to restrict nearly all other possible methods of electrical

brain communication in unclassified neuroscience research. At the same time, the EMR bioeffects research on the brain seemed to thrive in classified research and in Russia. For example, a 1961 Russian paper by Z. V. Gordon theorized that EMR led to changes in rat brain cells.¹⁵³ At that time, the US military controlled most of the EMR research funding and made the major policy decisions about EMR health exposure levels and other related matters.¹⁵⁴ The US military was concerned about the Russian EMR bioeffects brain research and as a result, US neuroscience studies involving EMR bioeffects were no longer funded in unclassified research and public discussions of EMR bioeffect research were discouraged.¹⁵⁵

As mentioned above, secret military research was increased to determine if the Russians were developing EMR based mind control for espionage or weapons purposes.¹⁵⁶ In the 1960s and 1970s, the electromagnetic aspect of neuroscience research was well funded and classified by the US government.¹⁵⁷ It seems clear that the US government was aware of the EMR research that suggested the weapons potential of EMR bioeffects.

Furthermore, a small number of scientists were instrumental in establishing the scientific basis for bioelectromagnetic medicine.¹⁵⁸ The bioelectromagnetics researchers found “truly remarkable interactions between electromagnetic fields and the brain” but the “relevant experiments were hidden from

147 Ibid. at 164, n. 52 above. See also Reppert, n. 70 above, citing an April 1979 report by Senate Committee on Commerce, Science and Transportation criticizing the State Department’s handling of the microwaves affair.

148 Ibid. Marino, n. 52 above.

149 Ibid, Marino, 164, n.52 above. See also Jones, n. 142 above. See also Reppert, n. 70 above.

150 Weinberger, n. 6 above.

151 Human drug testing by the CIA, Subcommittee on Health and Scientific Research of the Committee on Human Resources United States Senate, (Washington: U.S. GPO, 1977) September 20, 21 1977, 202. CIA medical doctor Sidney Gottlieb testimony.

152 Ibid.

153 Steneck, 84, 250, at n. 18 above.

154 Ibid.

155 Ibid.

156 Ibid.

157 Kathleen McAuliffe, Mind fields, *Omni*, February 1985.

158 Rosch et al., vii, n. 119 above.

view by the Cold War.”¹⁵⁹ As a result of both secrecy and prevailing scientific thought, however, bioelectromagnetic research has remained underfunded and disregarded by the mainstream scientific community.¹⁶⁰ EMR bioeffects research has even been called junk science, however as Henry Lai, co-editor of *Electromagnetic Biology and Medicine* explained, the lack of funding means that researchers can’t stay in the field for long¹⁶¹ and consequently the research suffers. In the 1960s, Frey, cited above, tested microwave radiation on animals and found evidence that electricity seems to affect brain activity.¹⁶² Frey stated that the Pentagon hired scientists who published research disputing Frey’s findings while at the same time refusing to reveal their methodology and data.¹⁶³ Moreover, in the 1970s, his government contractors told him to cover up his research or they would terminate his contract.¹⁶⁴ Numerous bioelectromagnetics scientists reported similar treatment by the US government.¹⁶⁵ At that time, most researchers, including neuroscientists, still held the prevailing scientific viewpoints on the lack of proven biological effects of EMR.¹⁶⁶ Thus, the weapons potential of the bioelectromagnetics research remained out of the public view.

4.6 The 1980s; a turning point for bioelectromagnetics researchers

In the 1980s, bioelectromagnetics researchers felt that their research could lead to EMR weapons comparable to the atomic bomb; a further indication that the study of the electromagnetic aspect of the electrochemical brain seemed to be critical to national security.¹⁶⁷ These researchers discovered that when information was embedded onto a carrier EMR wave it “induced the widest variety of biological effects;” although how this happened was not known.¹⁶⁸ Their experiments suggested “externally applied electromagnetic fields had a scientifically measurable effect on electromagnetic processes of transformation, transfer, coding, and storage of information in living systems; including in the brain.”¹⁶⁹

In the 1980s, Cesaro, cited above, helped to make sense of this disregarded science. He stated that a microwave weapon based on successful human experiments would be “more powerful than the atomic bomb.”¹⁷⁰ Several researchers felt that a letter should be written to the President about the emerging weapons potential of bioelectromagnetics research, similar to the 1939 letter written to President Roosevelt about the weapons potential of nuclear physics.¹⁷¹ As noted above, Becker cited a military report describing microwave pulses with the capability of precise mind control without

159 Vladimir Binhi, *Electromagnetic mind control: Fact or fiction? A scientific view* (2010), 1. See also Pasternak, n. 8 above.

160 Steneck, 84, 250, at n. 18 above.

161 Louis Slesin, Are magnetic fields in incubators confounding cell culture studies? *Microwave News*, March 12, 2013. Available at <http://microwavenews.com/news-center/incubator-magnetic-fields-confounding>.

162 Ketcham, n. 133 above.

163 Ibid.

164 Ibid.

165 Ibid. See also Pasternak, 40, n. 8 above. See also Becker, *Cross currents*, 344-347, n. 110 above. See also Steneck, 118, n. 18 above.

166 Steneck, 121, n. 115 above

167 Koslov, 582, n. 115 above. See also Alexander Presman, *Electromagnetic fields and life*, (1970).

168 Ketcham, n. 133 above.

169 Koslov, 586, n. 115 above. See also Presman, n. 167 above.

170 Reppert, n. 70 above.

171 Koslov, 586, n. 115 above.

the need for implants¹⁷² and in the mid-1980s, Becker recounted several researchers surmised such a weapon was a possibility.¹⁷³ Most would agree that if developed, such a weapon could be comparable to an atomic bomb.

Becker had witnessed decades of bioelectromagnetics research, the growing US and Russian interest in EMR weapons and excessive government secrecy including government deception and disinformation techniques. In conversation with another pioneer of bioelectromagnetics research (Professor A. R. Liboff), Becker always maintained the belief that both the US and Russian governments were very much involved in EMR mind control research.¹⁷⁴ Both Becker and Adey felt that electromagnetic mind control was inevitable.¹⁷⁵ On a 1984 BBC documentary on Project Pandora, Becker surmised that there could be a super-secret Manhattan Project to develop EMR weapons and that the best cover story, the official explanation for secret government research, would be that EMR weapons were not scientifically possible.¹⁷⁶ It seems that Becker's speculation was correct: the EMR bioeffects policy is a US government official science policy that denies EMR bioeffects and as shown below, the most prominent of experts have cited the EMR bioeffects policy to claim that EMR neuroweapons are not possible.

4.7 1990s and beyond; EMR neuroweapons and excessive secrecy

For decades, the military has officially endorsed the EMR bioeffects policy. The US seems to have gone to great lengths to keep EMR bioeffects science and its weapons potential out of the public eye. However, with the breakup of the Soviet Union, some in the US military threw out this fifty year old official policy. In 1997, the US military began providing new funding for the development of nonlethal weapons based on the biological effects of EMR.¹⁷⁷ Nevertheless, well established academic scientific organizations and officials, including the US Air Force, cited below, continued to endorse the EMR bioeffects policy.

Richard Garwin is a physicist and one of the founders of the US National Reconnaissance Office (NRO), the agency that conducts secret satellite surveillance for national security purposes. In his 1999 Council on Foreign Relations, (CFR) report, *Non-Lethal Technologies: Progress and Prospects*, Garwin reported there were already established major classified programs that included psychological warfare, information warfare, and nonlethal weapons.¹⁷⁸ In a 2004 Council on Foreign Relations report, Garwin recommended that skilled engineers and scientists work on directed energy, electromagnetic coupling, modeling, and physiology. He described the ongoing inter-service conflicts, the problem of redundancy,

172 Becker, *Cross currents*, 304, n. 110 above. The report is: Paul Tyler, Lt. Col. David Dean, ed., *The electromagnetic spectrum in low-intensity conflict* (Maxwell air Force Base, Ala.: Air University Press, 1986). Available at <http://www.icomw.org/archives/index.asp>.

173 Ibid. Becker, *Body electric*, 319, n. 26 above.

174 Binhi, xi, n. 159 above.

175 Ibid.

176 Jones, n. 142 above.

177 Pasternak, n. 8 above.

178 Richard Garwin, Independent Task Force, *Non-Lethal technologies: Progress and prospects, Council on Foreign Relations, (CFR), 1999*. Available at <http://www.cfr.org/defense-and-security/nonlethal-technologies/p3326>.

a burdensome secrecy system and the lack of accountability for weapons.¹⁷⁹

In a 2005 “for the record” email to this author, Garwin stated that has evaluated electromagnetic weapons for the US Defense Department several times, but “there are always ‘compartments’ to which even people with high-level security clearances do not have access.”¹⁸⁰ Garwin cited the official EMR bioeffects policy to unequivocally dismiss the possibility of EMR weapons that could target and control the brain.¹⁸¹ The EMR bioeffects policy seems to reach to the highest levels of US government.

Perhaps the clearest example that EMR bioeffects are disregarded in mainstream neuroscience is the following. In 2001, a group of experts including Professor Kenneth Foster, wrote an article in the *IEEE Spectrum*, an academic electronic engineering journal: “Such technology [new rat implant technology capable of transmitting signals to a rat’s brain from a distance] had nothing to do with the fantasies of mind control by electromagnetic fields, long a staple of science fiction and lately of conspiracy theory Web sites.”¹⁸² Today, most neuroscientists are convinced that EMR bioeffects on the brain are fringe science.

In 2004, *The Lancet* obituary for Adey described his research showing that brain

tissue is sensitive to EMR. The obituary noted that some rejected Adey’s controversial research by citing the EMR bioeffects policy, such as Foster, one of the authors of the *IEEE Spectrum* article above. However, others have confirmed Adey’s research and the writer of the obituary opined that Adey’s controversial research will someday prove to be true.¹⁸³ Foster may argue that the US government’s EMR bioeffects policy has nothing to do with neuroscience, however, in light of the evidence presented in this paper, it can be argued that this would appear to be an example of the EMR bioeffects policy utilized as a US government cover story spread by experts. Foster’s conclusions omit two main facts; first, the decades of highly politicized EMR bioeffects research; and secondly, the decades of US government monopoly over unclassified and classified EMR bioeffects research; this combination resulted in the nearly complete restriction of EMR bioeffects research. As explained above, EMR bioeffects seem to have a role in brain functions, however the unclassified research remains rudimentary in its development.

In 2007, the official USAF science policy stated that its EMR bioeffects policy is that there are no non-thermal effects of microwaves.¹⁸⁴ At the same time, Dennis Bushnell, chief scientist at NASA’s Langley Research Center, has described microwave attacks against the human brain as part of future warfare in a 2001 presentation to the National Defense Industrial Association about “Future Strategic Issues.”¹⁸⁵ Recently the prestigious science journal *Nature* admonished the USAF in an opinion editorial for classifying EMR bioeffects research and

179 Richard Garwin, Independent Task Force, Nonlethal weapons and capabilities, CFR, 2004. Available at <http://www.cfr.org/defense-technology/nonlethal-weapons-capabilities/p6793>.

180 Richard Garwin, email communication to Cheryl Welsh, 2005. On file with author.

181 Ibid.

182 Kenneth Foster, et al., Bioethics and the brain, *IEEE Spectrum*, June 2003, 34. Available at <http://www.eng.ucy.ac.cy/cpitr/s/courses/ece001/notes/IEEEarticles/Bioethics%20and%20the%20Brain%20-%20June%202003.pdf>.

183 Ivan Oransky, Obituary: William Ross Adey, *Lancet*, Volume 364, July 17, 2004. Available at <http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2804%2916699-3/fulltext>.

184 Weinberger, n. 6 above.

185 Ibid.

stated that only weapons, not science should be classified.¹⁸⁶

4.8 Brief analysis and conclusions

It can be argued that the EMR bioeffects cover story is obsolete even as the US government continues to endorse official EMR bioeffects policy. Since World War II, scientists have had few options for conducting research on EMR bioeffects on the brain; the scientists who do conduct EMR bioeffects research face government discrediting tactics, loss of funding, ostracizing by the scientific community, and more. As a result of the US government's dominance over EMR bioeffects research, the infrastructure that is necessary for an area of science to flourish are completely absent in the field of EMR bioeffects research including: consistent funding, the development of advanced technologies, adequate numbers of academic experts, and consistent standards for EMR bioeffects academic literature. Most scientists have no way of challenging the US government policy of EMR bioeffects. Nevertheless, EMR bioeffects research has a firm scientific foundation in the study of bioelectromagnetics. Rather than a fringe area of science, EMR bioeffects research remains extremely rudimentary and has been highly classified and politicized.

A reasonable speculation is that the utilitarian CIA mind control researchers would have recognized the potential of EMR as a likely method for remote surveillance of the brain and also EMR bioeffects research for influencing and controlling human behavior for use in neuroweapons development. It could be argued that the official EMR bioeffects policy was utilized to publically encourage the belief that EMR

only had a thermal effect. At the same time, the US government continued secret research looking at other impacts such as the possibility of altering and influencing behavior—even mind control—and also the possibility of EMR for remote surveillance and targeting of the brain.

The US government's reasons for implementing the EMR bioeffects may not be clearly established, however significant evidence suggests that the EMR bioeffects policy was instrumental in blocking nearly all EMR bioeffects neuroscience research for over sixty years. The science of EMR bioeffects on the brain continues to be marginalized, controversial, and mislabeled as fringe, even junk science.

5. An extreme US secrecy method

The consensus is that governments can't keep secrets for decades. However, as one expert, William Arkin explained, secrecy experts are in agreement that in the realm of national security secrets, vital or genuine national security secrets remain secret.¹⁸⁷

Recently, headline news reported the NSA's Prism program for clandestine mass surveillance data mining that was leaked by Edward Snowden,¹⁸⁸ but few people have heard of the more extreme secrecy method of constant surveillance of government employees in highly sensitive positions and also the constant surveillance of their families. For example, Professor Hugh

¹⁸⁶ Editorial, "Secret weapons," *Nature*, Volume 489, September 13, 2012, 177-178.

¹⁸⁷ William Arkin, *Code names: Deciphering US military plans, programs, and operations in the 9/11 world* (2005), 13.

¹⁸⁸ Michael Kelly, Part two of Snowden's Guardian interview could rekindle the Prism 'direct access' debate, *Business Insider* July 8, 2013. Available at <http://www.businessinsider.com/snowden-says-nsa-has-direct-access-to-tech-companies-2013-7>.

Goodall described that his father worked for the CIA conducting domestic surveillance which took place much longer than the 1970s congressional committees uncovered. Goodall's father was scheduled to testify before the hearings but he died, his house was broken into and a moving van hauled away everything including his diary.¹⁸⁹ This happened to others including Bill Harvey who worked for the CIA and was involved in the attempted assassinations of Fidel Castro.¹⁹⁰

Goodall described growing up in a classified family; his mother told him that they were always being watched everywhere they went and in their home.¹⁹¹ Their home was fitted with listening devices and even their sex lives were not secret. In the 1960s and 1970s, some classified families lived on military posts and vehicles with listening devices would constantly record their daily conversation.¹⁹² Goodall stated:

We were told we were being watched for our own good as well as for the good of our country. We were told that it was important to be watched because my father worked in a sensitive position, and people in these positions had to be carefully observed, as well as their families and friends and associates, because you just never knew who might be spilling what to whom.¹⁹³

It seems unlikely that a vital national security secret such as the existence of secretly developed neuroweapons would be leaked given such extreme secrecy methods. Contrary to the consensus, it is plausible that

neuroweapons which began in the 1950s CIA mind control programs could be kept secret.

6. Conclusions and recommendation

The new evidence in this paper suggests that two Cold War cover stories are now obsolete. It can be argued that the consensus, including nearly all of the prominent experts, overlooked significant information that has resulted in devastating consequences. Significant evidence supports that the unsettled areas of neuroscience—bioelectricity and bioelectromagnetics—are almost surely critical areas of science for neuroweapons development. US secrecy methods surrounding this research have included active deception, spreading disinformation, distorting and suppressing science research, covering up promising research and withholding funding from scientists with an interest in the area of research. By keeping the science from developing in the unclassified realm, the US government can cite mainstream science literature and claim neuroweapons are not possible, thus completely nullifying any opposing opinions. In this way, the US government breached its trust with the public by classifying and monopolizing whole areas of science as well as neuroweapons.

The two cover stories were based on the paradox between classified and unclassified neuroscience research that began in the 1950s. First, the revolutionary 1950s neuroscience research was the basis for a theory of how the brain works. Furthermore, the unparalleled decade of the revolutionary 1950s—and it can be argued, the 1950s CIA mind control programs--determined how modern neuroscience developed into the twenty-first century, a pattern of development with no foreseeable end in sight. Second, by both chance and design, unclassified neuroscience developed in an

189 Hugh Goodall, Jr., *A need to know: The clandestine history of a CIA family* (2008), 133, 229,230.

190 Ibid.

191 Ibid.

192 Ibid.

193 Ibid.

extremely skewed pattern with a focus on biochemistry, molecular biology, cognitive neuroscience and brain imaging and a significant lack of bioelectricity research. Third, although the US government actively discouraged mainstream neuroscience from investigating bioelectricity, research on the electrical properties of the brain is not only scientifically possible in principle but also experimentally possible, although it remains rudimentary. Additionally, the US government implemented its official EMR bioeffects policy, thereby actively restricting the research. Nevertheless, a handful of researchers established the basic bioeffects science in principle and experimentally, although it remains rudimentary. Both the bioelectricity and also EMR bioeffects research suggest that neuroweapons development is scientifically possible.

Last, the study of the electrochemical brain has been divided into two entirely separate research approaches; first, unclassified research with its incomplete biochemical brain approach that can never solve how the brain works; and secondly, the classified research, complete with all four of the requirements for the development of neuroweapons. Thus, it is possible—given the secrecy surrounding vital national security secrets—neuroweapons research has flourished in complete secrecy since the 1950s.

It sounds absolutely impossible. How could so many have been misguided by neuroscience and the biophysics of neuroweapons for so long? As the saying goes, “If the only tool you have is a hammer, you will see every problem as a nail.” Likewise, for decades, prominent experts have overlooked obscure but critical information and thus have remained absolutely convinced that the science of neuroweapons is science fiction. This unwavering consensus remains firmly in place, however, today it can be shown that

neuroweapons are not science fiction. This is why further research and investigation is called for; the alleged mind control victims deserve a fair and impartial hearing, as it is highly possible that secret US neuroweapons are more likely than not already successfully developed.

[A thank you to Jo Easton for her time and advice with respect to the final draft of this paper]

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The Graphic of the front cover is an illustration of man, focused on human brain which is provided by 123RF. For more information please visit; www.123rf.com or email them at info@123rf.com



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OPINION: FASCISM IN ITALY

Benito Mussolini, a journalist turned politician, leader of the National Fascist Party, ruled Italy as Prime Minister from 1922 until his ousting in 1943

The Farce of Fascism

by Liliana Corrieri

"Everything in the State, nothing outside the State, nothing against the State" (*Tutto nello Stato, niente al di fuori dello Stato, nulla contro lo Stato*), was one of several slogans used during the era of Italian Fascism (1922-1943), a nationalistic and totalitarian movement lead by Benito Mussolini, il Duce. His power and propaganda grew alongside the difficulties the country experienced after the First World War (1914-1918), in terms of human losses, devastation caused by heavy bombing, a weak economy, a damaged society and the

diffuse dissatisfaction towards the conditions accepted during the Paris Peace Conference of 1919. Supported by several thousand of the so-called "Blackshirts" (*Squadristi*), Mussolini marched on Rome. The King, intimidated and fearing a civil war (other territories had already been occupied) granted him what he wanted, and allowed him to form a new government. At that point, an inescapable transition from a liberal state to a totalitarian state occurred. In 1925, Mussolini finally established his dictatorship, declaring

all political parties illegal apart from the National Fascist Party (*Partito Nazionale Fascista*, PNF). What followed was a period of twenty years during which the Italian 'model' was copied abroad and the country experienced repression of the freedom of press, speech, and association, the shame of racial laws, and even the reinstatement of the death penalty for 'political' crimes.

In 1926, the Special Tribunal for National Security was introduced. Such a special body was given the task of judging those alleged crimes committed against the State and the regime. No appeal was allowed after sentences had been pronounced. A great number of people, considered dangerous to the public order and troubling for the regime, were taken to trial and then sentenced.'

"Over the years, the national apparatus for repression improved its structure and action, by way of 'legal' but especially illegal means. Political adversaries were killed, even on foreign soil, or caught on special punitive missions abroad. The systematic resort to violence became the modus operandi to silence rationalists"

It was calculated that 5,619 people were taken to trial, of whom 122 were women and 697 were minors. The majority of them were working class people, farmers, and shopkeepers, followed by students, clerks, and other professions. The main accusations made against them were ones of political crimes and espionage. 31 people were sentenced to death, the others to lengthy imprisonment, even life imprisonment, for a combined total of 27,735 years. Antonio

Gramsci, a famous Italian political theorist and philosopher of Marxist influence, was sentenced to twenty years, but he died after 9 years imprisonment as his health deteriorated in prison. He had been (falsely) accused of conspiracy, instigating civil war, attempting to defend criminal acts, and inciting class hatred.

Over the years, the national apparatus for repression improved its structure and action, by way of 'legal' but especially illegal means. Political adversaries were killed, even on foreign soil, or caught on special punitive missions abroad. The systematic resort to violence became the *modus operandi* to silence not only political opponents (many of whom were admittedly assassinated), but also contrasting journalists, novelists, academics, typographers, and trade-unionists. Offices, trade unions, associations, and the other operating headquarters of civil society were routinely destroyed or burnt. Forced and policed confinement (*confino di polizia*) became very common practice to warn those whose thinking was not totally in line with the regime or to monitor specific suspects, as a preventive measure for the sake of the dictatorship. As many as 15,000 people were sent to remote locations (often, islands), and 177 of them died during their forced confinement.

Intimidation and violence against dissidents of any sort became common practice all over the national territory. Even priests were killed, and several 'non-conforming' parishioners and harmless fellow countrymen were threatened, attacked, harassed, and also tortured. In this regard, the Fascist Squads were unique in using castor oil, a vegetable oil obtained from castor seeds. This oil is a pale yellow liquid, which has got several interesting properties and is good for preserving food, lubricating engines, and even softening hair. However, this oil also has a laxative effect, and under Mussolini's dictatorship his Blackshirts forced their

victims to swallow large quantities of castor oil, called expressively “the purge of the subversive”, as a form of torture. The extensive dehydration caused by the oil-induced diarrhea, together with blows from clubs and other severe battering, caused the death of many. Those who managed to survive had to live with the humiliation and the discomfort of the prolonged laxative effects due to the excessive ingestion of the oil. The threat of smaller doses of castor oil became a successful instrument of intimidation to discourage common people and the rest of civil society from striking, reacting, or deserting work in any way, even in cases of sickness. Many years after the fall of Italian fascism, castor oil was still largely employed in Spain to torture democratic and left-wing oriented opponents during the military dictatorship of Francisco Franco (1939-1975).

Besides the violence and the persecutions perpetrated by the regime on its own territory (also against Jewish people, homosexuals, and gypsies), as well as the amount of civilians and soldiers who died during the Second World War, which Mussolini and

his ally Adolf Hitler led Europe entirely, it should also be mentioned that Fascism was responsible for terrible crimes against humanity in Africa. In Libya, rebels involved in the native resistance to the Italian colonisation of the country were captured by the army, then tortured and hung in public.

During the military expeditions in modern-day Somalia and Ethiopia, women were systematically raped and entire villages were killed with chemical intoxication, through gases which were irrigated on the harmless local population from airplanes, and which also killed cattle, and poisoned rivers and lands.

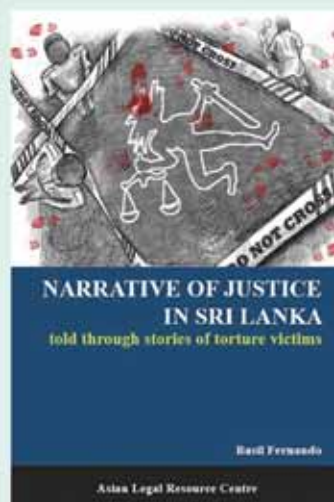
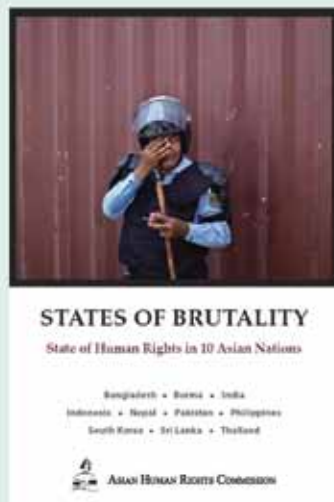
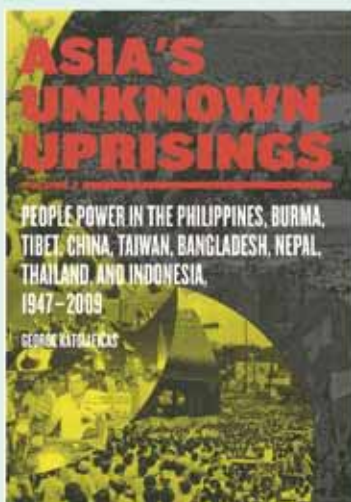
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ESSAY: HISTORY OF AMERICA

Torture in the Civil War



Dead Federal Soldiers on Battlefield, Gettysburg, PA, July 1863 (Photo courtesy: www.civilwarphotos.net)

by Meredith McBride

Torture is not new. It is a practice that has been a part of human history for thousands of years. Torture is not a problem associated only with war, poverty or conflict. It is not native to any particular region of the world, and it knows no specific victim by race or religion. Torture is sadly endemic in world history and in modern day affairs.

The United States has a dramatic, violent, and well documented history of torture, especially in regard to the slave trade. In 1789, thirteen years after the country declared its independence from Britain, the United States ratified the 8th amendment, guaranteeing every citizen free from cruel and unusual punishment at the hands of the state. However, during this same time period not all human beings were given the courtesy of being acknowledged as citizens, or even as human beings.

America's 'peculiar institution' began in the earliest days of the country's history, and was not formally eradicated until President Abraham Lincoln issued the 13th Amendment in 1865, guaranteeing equality under the law. However, many slaves did not hear of their emancipation until many years after the conclusion of the Civil War. Biased practices also continued in public facilities until the 1896 Supreme Court decision in *Plessy v. Ferguson*, which ruled that 'separate but equal' facilities were, in fact, not equal.

Unlike the secretive and political nature of torturers and their victims today, American slavery and torture was very much a part of public life. Slaves were beaten by their masters in front of other slaves and in public spheres. They were commodities, not people. Europeans argued that slaves were racially, intellectually, and morally inferior to whites, rather than acknowledging that the social conditions of forced servitude

likely made them appear that way. State laws actually allowed for the keeping of slaves, their corporal punishment, and even murder. These people were denied basic, fundamental rights as guaranteed by the Constitution under the premise that they were not citizens or people.

Origins:

Slave traders began importing slaves from African countries after it was discovered that Native Americans were highly susceptible to European diseases and died off in droves. There was a high demand for workers to harvest growing fields of sugar and tobacco in the Caribbean, and cotton, tobacco, and indigo in North America. Thus, entrepreneurs and ship captains turned to Africa for an almost inexhaustible supply of cheap labor, where natives with their primitive weapons were no match for the guns and cannons of the West.

Slavery had long been practiced in Africa amongst various tribes. However, slavery in Africa was far different from the practice that developed in America. African slavery had a paternalistic feel in which the master was seen as a father figure and ruled over workers, women, and children. (Thornton)

The slave trade took place along a stretch of African coast extending from Sierra Leone down to Angola, and many slaves were taken to port cities from the innermost parts of the country.¹

Slaves were often prisoners of war held by tribal leaders, victims of kidnapping, or even people in extreme poverty who sold themselves rather than face death by hunger. These slaves were marched from all areas of

¹ www.slaverysite.com/Body/slave_trade_1650-1860_b%20-%20www.slaveryinamerica.org.jpg

Africa to the coast, where they boarded ships first headed for the Caribbean and then to America.

The conditions under which African slaves were transported to America were often horrendous and unsanitary. Just as Native Americans had been oblivious to the diseases brought by European settlers, so were the ship doctors oblivious to tropical diseases, which afflicted Africans and Europeans alike. A great number of slaves and traders died from the conditions while crossing the Middle Passage from Africa to the Caribbean. Slaves were packed to capacity, and the men were shackled to one another, meaning that they often couldn't reach the buckets used as toilets, forcing them to relieve themselves where they sat. With so many people crowded together, the cabins reeked of sweat and defecation and could reach unbearably hot temperatures. These factors combined created inhumane living conditions during the journey. Before the 1700's, the mortality rate amongst slaves was about 50% during the crossing of the Middle Passage.

During the days, slaves were sometimes given free time above deck, although they remained shackled. Food and exercise were forced upon them so they could appear fit for sale on arrival in the Americas. They were often made to dance as a form of exercise while still bound together in groups of 50 or 60. Depression was common amongst slaves, and this, coupled with the sordid living conditions caused many to be too upset or sick to eat. These people were forcibly fed by the slave traders. A *speculum oram* was a device used by the traders to hold the mouth open while food was forced down it. Other methods included holding hot coals near their lips, pouring lead on their bodies, and breaking their teeth.

In addition to the substandard living

conditions, slaves also were prone to illness from the Europeans, including ophthalmia, small pox, sores, scurvy, and the flux, a violent form of diarrhea. As smart traders carried less people per ship, improved ventilation and provided them with better food and vaccinations, the survival rate of slaves increased during the Middle Passage journey over the course of the 1800's.

To discourage mutiny amongst the slaves, traders would torture one to set an example for the rest. Thomas Phillips, in his book on the journey of the *Hannibal*, claimed that officers urged him to "cut off the legs and arms of the most willful, to terrify the rest".² In response to mutiny, punishment was also horrific. In a testimony written by a ship doctor, the doctor claimed that the captain subject them to cruel treatment, first by making them eat the heart and liver of a deceased crew member and torturing them to death. Making a show in front of the slaves by torturing some to death prevented any future insurrections amongst the slaves.³

Although most of the original slaves were men, whom traders deemed to be better workers, the need to breed more slaves developed in the 1800s, amidst concerns of rebellion and in response to newly imposed import tax legislation by the American and British governments. The desire to produce more slaves caused an equal demand for both males and females. Although a child born in slavery had to be supported and fed through

2 Phillips, Thomas. *A Journal of a Voyage Made in the Hannibal of London*. N.p.: Walthoe, 1732. Google Books. Walthoe, 4 Mar. 2010. Web. 29 Apr. 2013. <http://books.google.com/books/about/A_Journal_of_a_Voyage_Made_in_the_Hannib.html?id=qFJBAAAcAAJ>.

3 Schneider, Dorothy, and Carl J. Schneider. "The Middle Passage." *Slavery in America: From Colonial times to the Civil War : An Eyewitness History*. New York: Facts on File, 2000. 27-48. Print.

infancy, there was no purchasing price and no shock associated with being forcibly removed from their homeland, ideally minimizing the possibility of rebellion.

The practices of breeding and naturally increasing slaves were unique to North America. Nowhere else in the world did slave owners desire to keep producing slaves by keeping females and arranging marriages amongst them. Although the topic of breeding is widely debated, it is accepted that there were no formal slave breeding centers, however, many slave owners encouraged women to produce children as young and as frequently as possible, and literature of the time indicates that a premium was placed on women of child bearing age.

Legal History

Laws regarding slavery and the purchase and sale of human beings contradicted every value of what American society now is. They were denied citizenship and equal rights and were further subjected to biased and unfair laws under state governments for several hundred years of American history under the premise that they were not citizens.

Under traditional British Common Law, a child was to take the status and lineage of its father. This indicated that a child of a white landholder and black slave woman would be born free. However, in 1662, Virginia modified this long standing law to provide that any black person was a slave (black being defined as having at least ¼ African ancestry). This amendment allowed status to travel through the maternal side, so that children born of slave mothers and white fathers could still be considered slaves.

Laws were implemented in various states prohibiting interracial marriage and relationships, although slave owners were often exempt from this.

Legislation regarding these relationships varied from state to state: In 1726, Pennsylvania stipulated that any free African marrying a white person could be sold into slavery. In Maryland, a free white woman marrying a black man would be a slave of his master, along with any children the two bore. Massachusetts law said that any party to an interracial marriage would be whipped and sold.⁴

Early American policy makers favored stronger state governments and loose national government, so slave laws varied from state to state even amongst pro slavery states. These were Alabama, Florida, Mississippi, Louisiana, Arkansas, Missouri, and Texas. Slave exporting states included Virginia (including what is now West Virginia), Kentucky, the Carolinas, Georgia, and Tennessee.⁵ Punishment of slaves was left to the complete discretion of owners, and slaves were not entitled to any legal redress for neglect or violence that their masters subjected them to.

In Virginia in 1669, the murder of slaves was legalized by Act I, claiming that the killing of a misbehaving slave could not have preconceived malice because no man would intentionally want to harm his property: *"If a slave resist his master and by the extremity of the correction, chance to die, his death shall not be a felony, since it cannot be presumed that malice (which alone makes murder a felony) would induce a man to destroy his own estate."* (Blacks Laws)

4 Horton, James Oliver., and Lois E. Horton. *Slavery and the Making of America*. Oxford: Oxford UP, 2005. Print.

5 "Map of Free and Slave States." *Map of Free and Slave States*. N.p., n.d. Web. 02 May 2013. <<http://www.sonofthesouth.net/slavery/slave-maps/map-free-slave-states.htm>>.

The Negro Act of South Carolina stipulated various provisions for slave owners on the care of their slaves. This Act dictated that slave owners could not make their slaves work more than 15 hours in a 24 hour period. A similar law in Louisiana mandated that slaves be allowed 90-120 minutes for dinner each evening. Laws in various other slave-holding states provided for adequate food and clothing of slaves. While these laws were intended for protection of slaves, their fault lay in that no African could make a legal claim against a white person. Therefore, no legal action was ever taken under these laws as it was unrealistic that a white man would ever bear witness on behalf of a slave (Appeal p. 44).

Laws protecting slaves were a pretence and rarely, if ever, enforced. The Ante Bellum south was nearly lawless in regards to slavery, and any white could chose to discipline any black without regard to civil laws and without fear of any legal complaint or proceeding.

By 1705, legislation in Virginia was twisted even further under Chapter XLIX, which claimed that any person finding a runaway slave had the ability to punish them or kill them in any way they found befitting, without even an accusation of a crime. This, the law claims, helped to deter other slaves from running. The owner of any slave killed under this act would be given financial compensation from the public. These laws were all passed without respect to the 8th Amendment which claimed that all persons would be free from cruel and unusual punishment.

During the Philadelphia Convention of 1787, lawmakers in the colonies were eager to come to compromises in order to speedily ratify what would become the United States Constitution. In order to appease

slave-holding land owners of the south, representatives from the North agreed to the 'Three-Fifths Compromise' which declared that slaves were counted as 3/5 of a person for purposes of determining federally-owed taxes and a state's number of representatives in the House of Representatives, giving a political advantage to southern states with large numbers of slaves in comparison to white land owners.⁶

As 3/5th of a human being, these slaves were not party to any of the guarantees provided by the Bill of Rights. Blacks, free or otherwise, were still not legally able to testify against whites in court. Crime against African Americans ran rampant as these people had no means to either prove their innocence, or to pursue legal actions against whites; furthermore, courts and juries (made up of whites) were often biased.

The North further conceded to the South by passing the Fugitive Slave clause in 1793, which stated that runaway slaves in free states could be returned to their Southern masters. This made the idea of escape to free states less appealing and helped stem the flow of runaways. Slave owners could then journey into Northern cities in pursuit of their slaves, and only by fleeing to Canada were escapees truly safe from the fear of returning to slavery.

The Second Amendment right to bare arms was denied to African Americans, free or enslaved, in fear that they would revolt. This greatly hindered African Americans' ability to protect themselves and their families from aggressors and kidnappers. Petitions by free slaves to have access to firearms were

6 Gisolfi, Monica R. "Columbia American History Online." *Columbia.edu*. Columbia American History Online, n.d. Web. 23 Apr. 2013. <<http://caho-test.cc.columbia.edu/ta/13028.html>>.

routinely rejected under the premise that they were not citizens of the United States and therefore not party to equal rights.

Firearms were the primary method used by slave owners to keep slaves in bondage. In some states, laws required that slave owners even bring their guns to church, in fear that slaves would gain access to them and use them in rebellion. Nat Turner's rebellion in 1831 displayed the inadequate ability of slaves to defend themselves against an armed militia.⁷

The invention of the cotton gin by Eli Whitney greatly impacted the slave trade. For years, the South had been lacking a significant cash crop for export. The production of cotton was labor intensive and time consuming, causing farmers to grow more lucrative crops such as tobacco. The invention of the cotton gin in 1792 changed all this, as the ability to produce seedless cotton transformed from being done by hand to being done by machine. Rather than decreasing the need for slave labor, the cotton gin actually increased the demand for field hands to grow and pick the cotton, as cotton became a valuable export for the South. From 1790 to 1808, eighty thousand Africans were imported into the United States.⁸ This didn't slow until laws were put into place by the UK and the new United States regarding the import of people.

In March of 1857, a decision was handed down on Dred Scott v. Sandford stating that a person brought to America for means of enslavement was not a citizen of the United States. The ramifications of this judgment meant that the plaintiff, Dred Scott, as a

descendant from Africans, was not a citizen of Missouri, and was therefore unable to legally make a complaint in that state.⁹

Slavery was not legally eradicated in the United States until President Abraham Lincoln issued the Emancipation Proclamation on January 1, 1863, stating "that all persons held as slaves... are, and henceforth shall be free". This proclamation had short comings however, as its' legality was entirely dependent on a Union victory in the Civil War. It also only applied to the Confederate slave owning states.¹⁰

Methods of Torture

Torture of slaves was both physical and psychological. As if the physical labor they had to endure on plantations wasn't hard enough, they were often set unreasonable production targets and behavioral standards, and were beaten if they didn't meet the expectations of their master. The emotional trauma of either being forcibly removed from one's native land to become a slave or being born into such a horrific life was severe and perpetual. Familial ties were frequently severed as children were torn from mothers, husbands from wives, etc., as owners conducted deals of sale across state lines.

"If slaves were particularly rebellious they were sent to the gallows to serve as an example to other slaves. This punishment was most often prescribed for violent crimes, such as the

7 Lansford, Tom. "African Americans and Gun Violence." *Guns in American Society*. Ed. Gregg Lee Carter. Santa Barbara, CA: ABC-CLIO, 2012. N. pag. Print.

8 <http://www.eliwhitney.org/museum/eli-whitney/cotton-gin>

9 "Scott v. Sandford." www.cornell.edu. Cornell University, n.d. Web. 05 June 2013

10 "The Emancipation Proclamation." [Archives.gov](http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/). National Archives & Records Administration, n.d. Web. 03 May 2013. <http://www.archives.gov/exhibits/featured_documents/emancipation_proclamation/>.

rape of a white woman, or for rebellion. Other slaves would almost always be in attendance of proceedings at the gallows."

The slave trade itself was a horrific business, in which slaves were carted around as livestock and sold on public trading blocks. Professional traders made a business importing and exporting slaves between various states and shipping them via steamboat along the Mississippi River. Coffles were used to bond slaves together as they moved from one area to another. These slaves were then sold at the public trading blocks auction style, and men and women alike were often forced to be nude. The bulk of slave trading, however, was done between individuals, allowing for more customized sales and payment by cash rather than credit. Slave price varied widely, based on factors including age, sex, relevant skills, disposition, and overall condition. Prices also varied according to speculation in the price of cotton.

A sole right was left to the slaves: the freedom of religion, although this also was occasionally infringed upon by overzealous owners. Catholicism was the dominant religion of the South and many slaves were forced to practice it under threat of beatings. Most owners also preferred 'good, Catholic' slaves, as they were perceived to have better morals and be less likely to run away than their non-religious counterparts.

In addition to the degrading treatment they received on plantations, slaves were kept in servitude by the horrific nature of punishment for those who stepped out of line. There were traditionally four methods of punishment: the whip, the brand, the pillory, and mutilation.

If slaves were particularly rebellious they were sent to the gallows to serve as an example to other slaves. This punishment was most often prescribed for violent crimes, such as the rape of a white woman, or for rebellion. Other slaves would almost always be in attendance of proceedings at the gallows. However, murder of slaves was not ideal as owners would lose money on their investment. They much preferred methods of corporal punishment that were immediate and severe but that would allow slaves to continue working.

While limbs of slaves were cut off en route to the Americas to frighten other slaves into good behavior, very rarely was this punishment used in the states because of the desire to keep the slave in good shape for field work. However, limbs unnecessary for hard labor, such as ears, could be readily cut off. Rebellious or dishonest slaves would be put into wooden pillories – wood structures that had two holes for hands and one for the head. This device required the victim to be hunched over and bound, causing extreme pain in the back and knees. Pillories were often in public places to increase the shame of their crime. One ear would be nailed to the wood, and cut off an hour or more later. The same procedure would be done with the second ear.

Branding was mostly used to punish and identify slaves who were runaways. The letter 'R' would be branded in their cheek to identify them and effectively prevent them from ever escaping slavery.¹¹

11 Guild, June Purcell. "Black Laws of Virginia - Excerpts." *Black Laws of Virginia: A Summary of Legislative Acts of Virginia Concerning Negroes From Earliest Times to the Present*. Comp. Karen Hughes White and Joan Peters. New York: Basic, 1993. N. pag. *Black Laws of Virginia - Excerpts*. Afro-American Historical Association, 2004. Web. 10 June 2013.

Although largely associated with slavery in the south, whipping was a common punishment in all states. It was also not exclusive to slaves. Slaves could and would be whipped for the smallest of offenses, or even without cause if their master so desired. Because whipping was quick, easy, and had no cost, it became the most common form of punishing slaves. Slaves were frequently beaten until they couldn't move or work.

Whipping was intended not only to punish, but also to encourage slaves to work harder in the fields to avoid similar punishment. Whips were made of leather. Whipping could also be prescribed by courts. Slaves were not granted trial by jury, but rather were sentenced through summary justice. Imprisonment was not a viable option for punishment as the owner would face a loss on their investment, and thus Southern jails were almost entirely devoid of blacks.

The most common offense of slaves was crimes against property. A small number were crimes against people; various other offenses included drinking, not observing the Sabbath, and gambling.¹²

More brutal and creative methods of torture were used on plantations. In an account published in Harper's Bazaar in 1862, Sergeant Charles O. Dewey of Dodge's Battery, 4th Regiment Iowa Volunteers, details the horrific punishment of a slave they encountered while on the run. For two months the slave had been made to wear an iron neck brace with three protruding iron rods about two feet in length. This device, likely affixed to him in order to keep him from escaping, prohibited him from

lying down and was extremely heavy and cumbersome.¹³

Punishment by the law was not categorically applied amongst blacks and whites. Blacks could be held liable for all the same crimes as whites, with many additional ones, mostly related to the nature of slavery and fears of rebellion. Free blacks were also prohibited from associating with slaves, or entertaining them in their house.

As detailed in William W. Brown's first autobiography, even police stations were not safe for slaves. Often, if a master wanted a slave beaten, he could send him to the police station where it was taken care of for him. Here, even free blacks were not safe, especially in slave states. Slave patrols were formed in the South to hunt down and find runaways. These small militias had the duties of disbanding large groups of slaves, issuing impromptu punishments, suppressing revolts, and capturing runaways. All able bodied white males were expected to participate, or at least hire a replacement. These slave patrols were thus largely made up of poor white men who made their livings by stealing and collecting rewards for returning runaways.¹⁴

State and local governments could sell any black to slave traders if they had committed offenses "punishable by confinement in penitentiaries". In Virginia, an Act issued in 1860 stated that regardless of whether they were free or not, these people could be sold into "absolute slavery", a punishment that

12 Friedman, Lawrence M. "Power and Its Victims." *Crime and Punishment in American History*. New York: Basic, 1993. N. pag. Print.

13 Dewey, Charles O. "Instrument of Torture Used by Slave-holders." Editorial. *HarpWeek* 15 Feb. 1862: 108. *Harpweek.com*. Harp Week. Web. 10 June 2013.

14 Hummel, Jeffrey Rogers. "The Political Economy of Slavery and Secession." *Emancipating Slaves, Enslaving Free Men: A History of the American Civil War*. Chicago: Open Court, 1996. 48-55. Print.

was not given to white criminals¹⁵. This happened to a man by the name of John Aldridge, who was arrested for larceny of \$150. He was sentenced to 39 lashes and was sold into slavery, based on the court's judgment that free blacks were not citizens.¹⁶

Vigilante justice was predominant not only amongst slave owners but also white town folk. Francis McIntosh, a free mulatto (of mixed heritage), was burnt alive after townspeople broke into the jail and pulled him from a cell. McIntosh was a porter and cook aboard the steamboat *Flora*. In April 1836, the steamboat parked at St. Louis and McIntosh disembarked to visit a lady friend. What follows next is unclear according to historical accounts, but McIntosh gained the poor favor of two plain-clothed policemen. This occurred either when he refused to help the policemen stop a sailor who had been fighting, or attempting to help two members of his crew who had gotten into trouble.

McIntosh was arrested for 'breach of public peace'. When he inquired of his arresters how long he would remain in jail, they responded five years. He had no lawyer and no access to one in a slave state. Because being a free black man jailed in a slave state could mean a return to slavery, McIntosh turned on his arresters, killing one and severely wounding the other. He was quickly arrested and put back in jail. Mobs began to surround the dead body of the deceased policemen, demanding justice for the fallen. As the mob grew, they broke into the jail and finally into McIntosh's cell. They tied him to a tree and burnt him alive in front of a crowd of thousands. An Illinois senator at the time, Abraham Lincoln, condemned the mob and

the "growing disposition to substitute the wild and furious passions" for the law.¹⁷

On top of the physical torture, abusive working conditions, and subjugation, blacks were denied every fundamental right granted under the constitution. Significantly, they were forbidden to learn to read or write, inhibiting their ability to find work even if they did become free. Once free, they were subjected to working jobs in the lowest rungs of society for little pay and under harsh conditions little better than the slavery they previously faced.

Family Life & Sexual Torture

Although breeding of slaves is widely accepted to not have occurred on any large scale, it was found by slave owners in the early 1800's that it was in their best interest to encourage young female slaves to reproduce as much as possible, producing more 'property' for the owner. Especially in the Upper South, where agriculture was exhausted in the early to mid 1800s, people found business in the breeding and selling of slaves to the Lower South.

The price of female slaves would rise based on their overall appearance, gynecological factors, and history of childbirth or miscarriages. Demand was high for women around the start of child bearing age, from their early teens to early twenties. There was also a demand for 'woman with first child', indicating that proven early fertility was a desirable quality for female slaves, and often traders were willing to pay a premium for such a woman.¹⁸

15 Mayo, Joseph. "Negroes-(Free and Slave)." *A Guide to Magistrates: With Practical Forms for the Discharge of Their Duties out of Court*. 2nd ed. Richmond: A. Morris, 1860. 438-72. Print.

16 "Aldridge v. Commonwealth.html." *Virginia1774.org*. N.p., n.d. Web. 03 May 2013.

17 Simon, Paul. "A Horrible Murder." *Freedom's Champion- Elijah Lovejoy*. N.p.: n.p., 1994. 43-60. Print.

18 Tadman, Michael. "The Question of Slave Breeding." *Speculators and Slaves: Masters, Traders, and Slaves in the Old South*. N.p.: University of Wisconsin, 1996. 113-40. Print.

Mulattos, people of mixed European and African heritage, also fetched a higher price than those of pure African ancestry. Slave women often found themselves the objects of their master's lust and would produce mulatto children. This, in the minds of some slave owners, justified the sexual abuse of their slaves. There were no legal ramifications for sexual abuse against slaves and very little punishment, if any, for those who abused a black woman.

Female slaves were offered to guests of their masters as entertainment, which furthered the spread of venereal disease and made many women barren.

It was not uncommon for a white man to have great numbers of children with his African slaves, and then employ them as slaves in his command. This happened both in and out of wedlock; and a blind eye was turned on the behavior of these owners. Although gossip of such abuse occurred on the plantations, it was rarely spoken of aloud at the consequence of beatings. These mixed children were often treated the same as slaves by their own parent.

Forced marriages occurred frequently on plantations. Marriages were often arranged by the slave owners. Knowledge of contraception was nearly nonexistent, giving married slaves little options for family planning, and even those with knowledge had limited money and access to contraception. Through control of family planning and reproduction, slave owners effectively denied their slaves the right to found a family under their own terms, and also limited their autonomy and potential and willingness to escape slavery.¹⁹

19 Harris, Allyssa L. *Factors That Influence Contraceptive Decision-making in African American Women: An Intergenerational Perspective*. N.p.: ProQuest, 2008. 22-24. Web. 6 June 2013.

Promiscuity of black women was blamed for this sexual abuse, as men described these women as lustful and animalistic. Because black women were not legally able to make a complaint against white men, they had no recourse for sexual violence. Many black women were branded with the term 'jezebel' to indicate their openness to sexual advances. The offenders were never held responsible for their abuses of power against female slaves.

Many light-skinned Africans were coerced into prostitution or became concubines for their masters. This was exacerbated by the influx of Union soldiers into the Southern states. 'Fancy girls' were women of minority descent used in brothels.

Official statistics claim that the American Civil War was a low-rape war, however this is more likely to be due to lack of documentation than reality. There were no federal laws defining rape, so the crime was defined by most state laws as 'unwanted heterosexual genital contact', leaving much room for interpretation. In pursuing legal action against rapists, women had to prove that they 1) had not consented to the act 2) had physically resisted as much as possible, and 3) were of virtuous character. While the national law forbade blacks to make complaints against whites, military courts allowed for this. Thus, the complainants were of both European and African heritage and ranged in age from 5 to 82 years old. Most of these women were working class. The legal age of consent during the US at this period was 10 years of age.²⁰

Escaping Torture

Because torture in America had a face and location, escape could be made by fleeing the

20 Frank, Lisa Tendrich. *Women in the American Civil War*. Santa Barbara, CA: ABC-CLIO, 2008. Print.

country into Canada, which was still held by the British Monarchy. The Underground Railroad was a pathway of homes and businesses willing to open up their doors to slaves fleeing the conditions of the South. These safe houses would provide escapees with food and shelter for an evening or more and then provide directions to the next stop along the road. These people, both freed slaves and white folk, did so at great risk to themselves. The punishment, if caught, was severe.

Some people campaigned for the return of black slaves to Africa, believing that separation was in the best interests of both races. This movement took strong hold in the 1890's when cotton prices were low and racism was running high. The African country of Liberia was founded in the 1820's when Africans returning from America desired a free homeland. The country's name itself was taken from the Latin word 'liber' meaning 'free man'. Liberia became an independent black republic and was the foremost choice of destination for those wishing to leave slavery in the United States.

Those who choose to remain in the States did so at great personal risk, as even freed blacks who could prove their release were not entirely free. White slave traders would attack and kidnap entire families and sell them back into slavery. In an Appeal in Favor of Africans, Dr. Torrey of Philadelphia describes a man who had a habit of marrying mulatto women, then selling them into slavery.²¹ The inability of African Americans to own firearms further limited their ability to retaliate against kidnappers.

21 Child, Lydia Maria. *An Appeal in Favor of Africans*. Amherst: University of Massachusetts, 1996. 34-37. Print.

Documentation & the Abolitionist Movement

Documentation of crimes committed by slave holders and abolitionist literature were of paramount importance in bringing about the end of slavery. New technology was also instrumental in the publishing and distributing of various forms of anti-slavery literature. Demand for newspapers and magazines was high in both the North and South during the Civil War era, as everyone was eager to hear information about the war, current developments, and well-being of loved ones. In an effort to increase readership, newspapers aimed to become more objective in their reporting. Information could also be sent via telegram, increasing range and accessibility of reporting.

In 1831, William Lloyd Garrison, a 26 year old abolitionist from Massachusetts, published the first copy of the newspaper *Liberator*, a newspaper he started and through which he advocated for the release of all slaves.²² The *Liberator*, and other publications used by abolitionists, aimed to shock their audiences with sensationalist language describing the horrors of slavery.

Autobiographies also began to gain wide circulation as intelligent and passionate former slaves began to put pen to paper and produce their stories for large audiences. Frederick Douglass, Nat Turner, Sojourner Truth, Olaudah Equiano²³, and William Wells Brown all produced autobiographies detailing their stories of slave life, being bought and sold amongst owners, escape, and subsequent freedoms.

22 "William Lloyd Garrison." *PBS.org*. Public Broadcasting Station, n.d. Web. 02 May 2013. <<http://www.pbs.org/wgbh/aia/part4/4p1561.html>>.

23 "Olaudah Equiano (c.1745 - 1797)." *BBC News*. BBC, n.d. Web. 02 May 2013. <http://www.bbc.co.uk/history/historic_figures/equiano_olaudah.shtml>.

Harriet Jacobs exposed the extremely controversial sexual abuse of slaves in "Incidents in the Life of a Slave Girl," in which she detailed the abuses she underwent at the hands of her owner. He repeatedly attempted to abuse his status to convince her to engage in a sexual relationship beginning from around the time she was 12 years old, but she refused. She began a relationship at the age of 15 with an unmarried white man in hopes of becoming pregnant and ridding herself of her owner. In her memoir she claims *"the condition of a slave confuses all principles of morality, and, in fact, renders the practice of them impossible."*²⁴

Anti-slave literature also embodied a fictional form, most famously represented in Harriet Beecher Stowe's novel Uncle Tom's Cabin. Her graphic novel depicts the horrors of slave life and was highly controversial amongst both abolitionists and slave owners. Stowe struggled to find an original publisher for her book because of its controversial nature and, after its publication, received threats, including the dismembered ear of a black man.

Former slaves and authors were fervent abolitionists who often toured around North America, speaking out against the horrors of slavery. Because life was so segregated, many white folks had had little contact with African Americans, but hearing them speak won many over to the anti-slavery cause. Excellent orators such as Sojourner Truth and Frederick Douglass spread word of the movement through both written narratives and speaking events in the United States and abroad.

Emancipation

The end of legally sanctioned slavery and torture came under the presidency of Abraham Lincoln, although his original intention was not to free slaves. However, many European countries were considering backing the secession of the Southern Confederacy. If the war became about emancipation, rather than secession, it was likely that these countries would overwhelmingly support the North. Thus, the Lincoln administration advocated for the end of slavery.

The US government also needed to respond to the South's use of slaves in their armies. Freeing slaves would allow the North access to thousands of additional troops, who could be the difference in turning a loss into a victory for the Union. After emancipation, African Americans overwhelmingly joined combat for the North and several separate colored regiments were formed. In the army, they faced segregation and discrimination; they also had substandard supplies in comparison to their white counterparts, receiving less pay and low quality food. Equal pay was not granted to black troops until 1864. Approximately 186,000 had fought in the Union army by the end of the war, and many more in the Navy.

Abraham Lincoln issued the Emancipation Proclamation on January 1st 1863 which declared *"all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever free."* While the Proclamation did not immediately end slavery, it indicated that if the Union troops of the North were to win the war, a new union would be created, free of slavery. The war ended two years later with the surrender of Confederate soldiers on April 18, 1865. The Thirteenth Amendment was implemented shortly thereafter, formally abolishing slavery.

²⁴ Women in History. Harriet Jacobs biography. Last Updated: 6/10/2013. Lakewood Public Library. Date accessed 6/10/2013 . <http://www.lkwdpl.org/wihohio/jaco-har.htm>.

Within the next several years, important constitutional amendments were implemented further protecting the rights of ethnic minorities. The Fourteenth Amendment granted citizenship to any naturalized person born in the United States. The Fifteenth Amendment, passed in 1869, provided that no person would be denied the right to vote based on race.²⁵ (Equal rights for women were not granted for another 50 years.)

Remaining issues

Despite the 'freedom' of former slaves, torture, and biased racial practices continued, especially in the Antebellum South. Specific states held on to racial practices far long after they were criminalized by the U.S. Supreme Court, especially Mississippi and Alabama. Extremist groups also arose, targeting African Americans and other minorities.

The Ku Klux Klan, referred to commonly as the KKK, was an organization originally created by bored southern men to play pranks on their friends and neighbors. The idea spread rapidly across the south. Over time, as more people joined the movement in independent groups in various cities, some chapters of the Ku Klux Klan moved on from only playing pranks to breaking up prayer meetings and assemblies of blacks. Extremists joined the organization and their pranks turned to crimes. White supremacists began using the Klan to intimidate and torture free blacks and their sympathizers.

The Klansmen had a wide range of targets. White teachers in black schools, Union League members, Republican Party members, and black community leaders, among others, were all targets for Klan violence. The Klan

primarily targeted farmers and their families outside of major cities, where they could torture and kill without interruption. Many black families moved into cities to escape the violence. Klansmen used robes and dresses as costumes to incite fear in their victims. They used a variety of methods to torture victims. They often took turns beating them, a concept called '*particeps criminis*'. If one person was caught, all would be equally palpable for the crime and thus go to aid the accused.

Mrs. Skates, a woman of York County was caught by Klans members to be hiding three blacks who were running from the Klan in her home. Once they discovered the blacks whereabouts, the Klan stripped Mrs. Skates naked and poured tar in her vagina. Sexual violence was used against both men and women, and Klansmen forced people to have sex with one another in front of them. Black men were castrated if they engaged in intercourse with a white woman. Klansmen highly discouraged people from voting Republican, and this, in itself, was enough to justify a visit from the Klan, infringing on the peoples' right to cast their ballot. Black teachers were targeted more than whites, and men more than women. Black politicians and community leaders were especially at risk.

There was a lack of willingness amongst the government to prosecute the KKK for the torture and murders they committed. Lieutenant Joseph W. Gelray, an inspector of the Freedman's Bureau, criticized the government when he observed that "*there is no intention or desire on the part of the civil authorities or the community at large to bring the murderers to justice.*" Attempts at prosecuting Klansmen through the judicial system also failed because juries were either partially composed of fellow Klan members or because witnesses were threatened and

²⁵ "The Civil War and Emancipation." PBS.org. PBS, n.d. Web. 10 June 2013

intimidated into abstaining from testifying. Because the group was so large, members would alibi one another, so even in a fair trial, many victims lost their cases.

“The ability of former slaves and torture victims of the Ku Klux Klan to obtain justice through government was a pivotal turning point in ending discriminatory practices in social spheres.”

Even senators were not immune from torture by the Klan. John Stephens, a Republican senator from North Carolina was murdered in the Yanceyville Courthouse by Klan members of Caswell County. The years from 1868 to 1871 saw a huge surge of Klan violence in the Southern states. As terrifying as the physical torture itself was the constant threat of terror against people of all colors and social classes. Men joined the KKK in order to protect their families from the organization, as white Southern men who didn't join were looked at with suspicion.²⁶

The threat was not only physical, but psychological as well. Racism before and during the Civil War did not immediately change. Segregation was a huge part of Southern culture, where blacks were required to use different water fountains, latrines, cars in trains, and even restaurants. These practices are reminiscent of the caste system in India, where members of the lowest caste are forbidden from drinking the same water. Blacks were not the only targets of KKK violence, as Jews were terrorized and harassed as well.

26 Wade, Wyn Craig. *The Fiery Cross: The Ku Klux Klan in America*. New York: Simon and Schuster, 1987. Print.

These biased practices were largely eradicated after the Supreme Court decision of *Plessy v. Ferguson*. Homer Plessy, a pale skinned man of Creole descent, sat in the “White” section of a train car and then identified himself as black. After refusing to vacate his seat for one in the ‘Colored’ car, he was arrested. The Supreme Court decided that the ‘separate but equal’ doctrine was inherently unequal, and segregation was legally outlawed.²⁷

In 1955, an attractive African women named Rosa Parks gained national fame after refusing to give up her bus seat for a white man. Bus segregation, which dictated that blacks were to sit behind whites, was the norm in the first half of the 20th century. In Alabama, especially, bus drivers were given high levels of discretion in enforcing ‘Jim Crow Laws’ and made black males and females take seats in the back of the bus or stand. Rosa Park’s refusal to move led to her arrest for violating segregation laws. She was later found guilty in court and fined \$14. Ms. Park’s arrest prompted mass protests and the eventual boycott of buses in Montgomery, Alabama, beginning on December 1955, for 381 days. The boycott prompted the United States Supreme Court to determine that segregation on public transportation was unconstitutional.²⁸

Effects of Slavery

The United States, often used as an example nation for others around the world due its high level of speech freedom, has a history

27 Wormser, Richard. “*Plessy v. Ferguson* (1896).” *PBS.org*. Public Broadcasting Station, n.d. Web. 09 May 2013.

28 “*Rosa Parks Bus - The Story Behind the Bus*.” *Thehenryford.org*. The Henry Ford, 2002. Web. 04 June 2013.

Schneider, Dorothy, and Carl J. Schneider. *Slavery in America*. New York: Facts on File, 2007. Print.

of horrors almost unparalleled. The west has the unfortunate habit of pointing fingers elsewhere, when in reality, the United States still struggles with issues of inequality, racism, sexism, and civil rights for all citizens. Torture and slavery met an effective end because of continued enforcement of the 1st Amendment of the United States Constitution, which declares that "Congress shall make no law... abridging the freedom of speech, or of the press". The ability of the people to speak out regarding the heinous nature of forced servitude was vital in ending it. Novels and autobiographies were widely circulated detailing the horrific nature of the slave trade and the unbearable conditions many slaves suffered under. Today, when information spreads more rapidly than ever before, the ability to increase awareness and recognition of important issues belongs to anyone with a computer.

The ability of former slaves and torture victims of the Ku Klux Klan to obtain justice through government was a pivotal turning point in ending discriminatory practices in social spheres. The Johnson administration, in the 1960's, clamped down on KKK violence. Penalties for anti-civil rights violence increased to life imprisonment and the FBI played a role in capturing remaining KKK terrorists.²⁹

Slavery stained the history of the United States for over 150 volatile years and its ramifications continue into the present day. Slavery and torture on a mass scale existed far into the 1900's, and racism continues to pervade the minds of many Americans. The recent nature of these violent crimes and their resolution is an indication that in areas of the world where torture is rampant, things can

change. The power to revolutionize injustice begins with the smallest voice having the courage to speak up, until a chorus of people can all be heard demanding change.

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HEALTH AND HUMAN RIGHTS INFO

"Health and Human Rights Info gives you information about the effects of human rights violations on mental health in contexts of disaster, conflict and war, and free access to publications on individual as well as on community level."

website

www.hhri.org

²⁹ Chalmers, David Mark. *Backfire: How the Ku Klux Klan Helped the Civil Rights Movement*. Lanham, MD: Rowman & Littlefield, 2003. 50-94. Print.

COLUMN: RON JACOB

Economic Justice

The Final Battle?

Today is August 24, 2013. Tens of thousands of people are gathered to celebrate a protest fifty years ago when hundreds of thousands of other people marched and rallied in Washington DC demanding equal rights for African-American residents of the United States. It was on that day the the Reverend Martin Luther King, Jr. made one of his most well-known speeches; a speech from which just a few phrases are usually quoted. "I have a dream..." said King that day. "that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character."

While King spoke that day, a fellow freedom fighter was imprisoned an ocean and a half away. That man, Nelson Mandela, had foregone the nonviolent approach so closely identified with Dr. King, but only after the slaughter of hundreds of his fellow Africans by the security forces of the South African white apartheid state. Dr. King would be murdered less than five years after his 1963 speech in Washington DC. Nelson Mandela would spend a total of twenty seven years



in prison, eventually being freed because of the tenacity of generations of South African freedom fighters.

While both men would see the end of legalized discrimination and apartheid in their respective nations in their lives, both understood that changing the law is perhaps the easiest aspect of the struggle for justice they devoted their lives to. The much more pervasive injustice of the economic system of capitalism has not only maintained and reinforced the racial and

class discrimination faced by the majority of those engaged in the freedom struggle these men are so closely identified with, it has also served to obfuscate the struggle. On the anniversary of that day fifty years ago in the United States, it has become common for men and women whose views are no less racist than those so intent on maintaining the US South's legal apartheid to quote Dr. King as they argue against keeping voters' protections in US laws designed to ensure the voting rights of non-white voters.

Furthermore, this same racist system uses its laws and legal system to imprison its

black and brown skinned residents at a higher rate than any other nation on earth imprisons their residents. Once in prison, thousands of these detainees are isolated in solitary for months at a time, despite (or perhaps because of) the fact that this practice has been found to be cruel and unusual by organizations and governmental institutions focused on the treatment of prisoners. In the United States, South Africa and many other countries around the world, the only individuals with fewer rights than prisoners are undocumented immigrants. These human beings, often traveling as families, are subject to the predations of human traffickers, drug traffickers, ordinary criminals, and other elements of capitalism's darker side. In addition, police and other authorities in the immigration sectors of their nation's security forces all too often see the undocumented not as humans but as something lesser. Because of this perception, often encouraged by their governments and national media, these security forces mistreat immigrants with impunity, fully aware that they are unlikely to face much punishment for their abuses. If the immigrants are able to establish themselves in their new land, they must live in fear of being caught, imprisoned and deported. If that isn't enough, they face ongoing prejudice and discrimination in their communities, at work and in schools and social agencies. Unfortunately, in some countries this prejudice comes from descendants of the very same freedom fighters mentioned earlier. Knowing that such divisions are encouraged by the power elites does not make them much easier to understand.

Back to that speech in Washington, DC fifty years ago. It is being celebrated as I write. The rulers of the US are doing whatever they can to portray a nation much better than the one Dr. King addressed. In some ways they are correct. Yet, it is difficult to see much

difference between the murder of the teenage Trayvon Martin by a scared white (in the hierarchy of race in the US) self-appointed vigilante and the murders of adolescent black-skinned males by other vigilantes fifty and more years ago. Even less different than the murders, was the defense put forth by Martin's murderer; it was a defense based on racial fear and a reminder to the white women on the jury that sometimes murder was necessary to defend their honor.

Since the capitalist crash of 2007-2008, the living conditions of the world's poor has only worsened. An inordinate number of these humans are brown or black-skinned. In the United States, South Africa, Egypt, India and a multitude of other nations, the poverty rates climb monthly while the bankers and the governments they control speak of a recovery. There were many in Nelson Mandela's African National Congress who knew the real struggle they would face would come after the white apartheid government was no longer in power. In the United States, there were many freedom fighters who knew that the real struggle for justice in that country would begin after it was no longer legal to discriminate against people because of their skin tone. In the years since the end of legal apartheid in both countries, the hegemon known as capitalism has invaded our lives at a level so intimate there is very little one can do without paying into it. This has happened not only because of capital's need to profit from everything, but also from the willingness of the world's leaders to allow this invasion to occur, usually for a pitiful pittance of power and cash for themselves.

There are no easy solutions to this dilemma. When those identified with the struggle for justice join in the imperial campaign to dominate the world through war and economic intervention that demands the

impoverishment of their own peoples, the struggle must be redesigned and redefined. When Barack Obama can claim to carry the mantle of Dr. King while he kills people around the world weekly with armed drones, detains and deports millions of immigrants, and does little to challenge the overt racism of his political opponents, the struggle needs to become different. When ANC members in South Africa are intimately involved in stealing money from their nation's treasury at the expense of its people and kill miners on strike for a fair wage and decent working conditions, it is time for the struggle to become different.

Achieving economic justice is one of the last battles in the struggle for justice. It is also the most difficult. Once people demanded an end to legal apartheid in the two nations discussed here, corporate capitalism had no problem subscribing to the new situation. After all, the end of apartheid added to the consumer base, which is always a good thing for the capitalists. However, convincing those same corporations that paying a fair wage and supporting workplace democracy is a good thing is a completely different story. Such actions would most certainly cut into the corporate rate of profit. This alone explains the opposition by most corporations to the struggle for economic justice. It also explains why the battle is so difficult.

COLUMN: BIJO FRANCIS

Politicians across the world have their fair share of love affair with scandals. Some get drowned in it, and many survive. The worst of its kind, I mean scandals, is the one where the name of a politician gets associated with crimes.

In jurisdictions, where reasonably functioning criminal justice apparatuses exist, such nexus between a politician and crime, irrespective of its gravity, will be the death knell to a person's political career. However, in South Asia, committing a crime, or association with criminals is often seen as 'promising qualification' to initiate in politics.

In Sri Lanka for instance, there are ministers in the cabinet who are infamous street thugs. In Bangladesh a large number of politicians who get elected, term after term, are notoriously corrupt. In Pakistan, there are fellows, who have been accused of or convicted for, crimes, ranging from drug trafficking to murder. Pakistan once had a president, whose diplomatic baggage, whenever or wherever he travelled, was a safe abode for drugs. Similar notorious characters exist in Nepal and Afghanistan.

In India, there are politicians who are convicted for rape, arson, murder and other heinous crimes who 'serve the public' as elected representatives. So much so, that some of these venerable souls contest and win elections from their prison cells is pretty much hackneyed.

The Supreme Court of India, in a landmark judgment delivered this year, tiered to put an end to this culture of criminals in politics. The Court declared that anyone convicted of a crime, unless the sentence is suspended

Indian politics & a rotten *masala dosha*

in an appeal, within 90 days of the conviction, would be disqualified from the state assembly or the parliament.

In a separate judgment, the Court also said, that a person in lawful custody, whether charged with an offence or not, is disqualified from contesting an election. In this case, the Court applied the common-sense logic, that if the Representation of the People's Act, 1951 prohibits a person from being an elector when a person is in lawful custody, it equally prevents a person from contesting an election, since to contest an election, the person should first be an elector.

Just as expected, all political parties in India spared no space and time, to criticise the judgment. In a rare exhibition of solidarity sans political ideologies, they cried the Court has exceeded its mandate. The only justification that all of them could however pose, was that if the Court defined law is implemented, then honest persons contesting elections would be unjustifiably barred from the contest, if anyone chose to misuse the police to register a false case for political purposes against that person.



This week, that is, in the third week of August 2013, an all-party meeting convened in New Delhi 'authorised' the Union Cabinet to propose amendments in the Representation of the People's Act, 1951 so that the 'ill-effects' of the judgment could be prevented. Such an amendment will ensure that the status quo is maintained.

It is trite to argue that it is neither the Court's interpretation of law that needs to be revisited, nor the Representation of the People's Act, 1951 to be

amended.

No politician in India, even those who are notorious for gang rapes and murder, and have been convicted, would argue, that criminals should have a space in the country's political landscape, least, a seat in the state assemblies or the national parliament. Indeed, those who are convicted claim that they are all innocent.

Those convicted or charged with a crime claim that the charges levelled against them are fabricated, forged due to political vendetta, or are a mischief of the opposing political party. But none would want that

singular entity, the police in India, to be reformed, so that even the remotest possibility of fabrication of charges and vexatious criminal litigation is near to impossible.

India's police law and its operational architecture, dates to the colonial time. The law, jurisprudence and management of the institution have hardly changed from the period the British formed the Indian police, in 1861. It is one of the most demoralised, thoroughly unfit, and horrendously corrupt monstrosities in India, that an average Indian considers the local police as criminals in uniform.

It is common knowledge in India that the police best serve corrupt political interests and politicians than the people. This is one of the reasons why, in India there are, a high and alarming number of criminals in active politics, some of them ministers. Yet, when the highest court of the country ordered the government to clean up the mess, the government, with blessings from the political parties, are eager to circumvent the process.

And in that, they are most likely to succeed.

Tailpiece: A masala dosha is made in two stages. The crispy dosha and the masala inside are made separate, and the masala dosha is served with the masala wrapped with the crispy dosha. Both dosha and the masala must be good, to make a delicious masala dosha. If either one goes bad, the dosha is useless. All semblance of the current state of Indian politics and corrupt police with a rotten masala dosha is intentional.

COLUMN: GERMINAL

Aruna Indika was arrested on 6th May 2013. In the police station, he was stripped and chillie-juice poured into his eyes and over his penis¹.

Chandila Gurusinghe was arrested on 7th May 2013. In the police station, he was stripped, bound to a bed, hung by his wrists, assaulted on his genitalia and threatened with sodomy².

Custodial-torture is nothing new in Sri Lanka. Early this year, the Human Rights Watch reported that Lankan Security Forces still torture and rape Tamil detainees. "These are not just wartime atrocities but continue to the present, putting every Tamil man and woman arrested for suspected LTTE involvement at serious risk"³.

Despite its prevalence, custodial-torture is almost a 'taboo' subject in Sri Lanka. There is no public conversation or debate about torture in the Sinhala and English language media. It is not seen as either topical or relevant, because, until recently, it was a fate reserved for the Tamils (and the odd Muslim). Those few Sinhalese who experienced custodial-torture belonged to the lower end of the socio-economic totem-pole or were political-undesirables. A middleclass non-political Sinhalese could live a 'normal' life and die a 'normal' death without ever having an encounter with a torture-victim let alone experiencing it at first hand. For such people torture was irrelevant because it always happened to the ethno-religious/class 'Other'.

That is about to change.

Sri Lanka

When Torture Comes Home



Tisarane Gunasekara

Aruna Indika and Chandila Gurusinghe are Sinhalese. The former is an architect, and the latter a businessman. Neither of them have any political involvements. They belong to the Sinhala middle-class which forms the bedrock of the Rajapaksa regime's support base.

Most members of the Sinhala middle class accepted the twin-myths of 'Humanitarian Operation' and 'Zero-civilian casualties'. They danced in the streets when the Eelam War was won, without sparing even a passing thought to the plight of 300,000

civilian Tamils herded into internment camps. Their deafening silence has been a key enabling-factor in Sri Lanka's march from a flawed democracy to a patrimonial oligarchy. Considering themselves immune, they regarded the proliferation of abuse and impunity with bored-indifference.

The horrendous experiences of Aruna Indika and Chandila Gurusinghe prove that the plague of illegal arrests and custodial-torture has crossed the border into the Sinhala-heartland. And torture is coming South, not in the context of war or insurgency, but in a time of peace, when Sri Lanka is planning to host the Commonwealth Summit.

Will the appalling experiences of a solidly Sinhala-middleclass architect and businessman make their ethnic and class compatriots realise that in a land where the rule of law is replaced by the law of the rulers, illegal incarceration and custodial-torture can happen to anyone?

Tortured Minds

A 58 year old woman is severely tortured, raped with a stick and strangled to death .

This horrendous crime did not happen in the midst of the war; nor did it happen to a Tiger-suspect, post-war. The victim was an ordinary woman; she was murdered in her

own home; her suspected torturer-rapist-killer is a member of the Special Task Force, an elite police force formed in the throes of the long Eelam War.

In the *de facto* occupied North and the East, alleged atrocities by the military marred the victory and continue up to the present. Even very young children have been raped and murdered. Perpetrators are rarely brought to justice.

Those tales of crimes and woe made hardly a dent in the South's triumphalism and its veneration of the military. Believing itself to be forever safe, the South covered its collective-head in a veil of denial.

In his magisterial account of the Algerian War of Independence, Alistair Horne mentions the case of a French police-inspector who, after returning home from a stint which entailed torturing Algerian suspects, tortured his own wife and children, and warns, "... torture ends by corrupting the torturer as much as it breaks the victim" .

Only by dehumanising oneself, can a torturer effectively dehumanise the victim. That is how normal, decent boys (and girls) become thoughtless, pitiless killing and torturing machines.

The contamination does not stop with the perpetrators; it eventually affects the society they represent and live-in.

In the penultimate scene of Roman Polanski's cinematic rendition of Ariel Dorfman's superlative drama, *'The Death and the Maiden'*, Dr. Miranda is compelled to admit his complicity in torture/rape: 'they lay the people out, fresh on the table..... I had all the power, to break anyone I was lost.... I fell

in love with it.... I was sorry it ended; I was very sorry it ended".

That is the reality of torture, a malaise which is habituating, destructive and self-destructive. When a society condones it, overtly or tacitly, it places itself at risk, not just morally but also physically. Because the torturers are not aliens, but its very own. And when they come home, they bring their monstrous habits with them, to the common detriment of all.

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1. <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-083-2013>
 2. <http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-082-2013>
 3. <http://www.guardian.co.uk/world/2013/feb/26/sri-lankan-military-raping-torturing>
 4. <http://www.srilankamirror.lk/news/7825-woman-tortured-and-killed>
 5. A Savage War of Peace: Algeria 1954-1962 – Alistair Horne

COLUMN: BINOY KAMPMARK

Flouting conventions

The Australian Refugee Formula

THE CORRECTIONIST

Binoy Kampmark



"We should never forget that the reason we have a UN convention on the protection of refugees is in large part because of the horror of the Holocaust, when the West (including Australia) turned its back on the Jewish people of Germany who sought asylum during the '30s." - Kevin Rudd, former Australian Prime Minister, 2006

Whatever sentiments Kevin Rudd might have had in 2006, there is little mood for refugees in Australia. With a new conservative government coming in to replace Rudd's Labor administration, who had, in turn, replaced Julia Gillard, the appetite for a more generous policy to refugees is limited. In fact, those seeking asylum have become indigestible for those with a policy palette.

The recent history of Australian approaches to the United Nations Refugee Convention of 1951, with its additional protocol of 1967 is one of sneering indifference. Central to the protective overview of the convention is the emphasis on non-penalisation and non-refoulement. Both have been regarded with aversion.

Definitions are important in the business, and a refugee can simply be defined as someone outside his or her own country who fears persecution because of their race, nationality, membership of a particular social group or political opinion. It is important to note in the discussion that roughly 90 per cent of asylum seekers who have come to Australia by boat are genuine refugees. The figure is rarely mentioned because the emphasis

remains more on how they arrive (boat) as opposed to their status.

The process of Australia's undermining of the Refugee Convention has been gradual but direct. The cue has been given by critics who make the argument that the definition is anachronistic in the face of new population movements and third party points of transit. Not all of these are insincere: people needing protection are bound to fall into the legal loop that needs closing. But it is evident by researchers that the attempts made by the last two governments have attempted to clip and curtail the Convention's effectiveness. Short of withdrawal, the Australian precedent is troubling to the protective features of international refugee law.

Certainly, as observed by UN High Commissioner for Refugees Antonio Guterres, "protection is increasingly constrained as states are prioritising national sovereignty to the detriment of protection of human rights."¹

With the re-opening of Manus Island as a processing centre for asylum seekers heading for Australia, along with minute Nauru, the attempts to undermine those protocols are more than evident. The populations of these centres is tiny: 40,000 people for Manus; 9,300 for Nauru. Local inhabitants in both cases are not happy to become the extended ward of care for refugees. Problems loom for the new arrivals.

Since the PNG "solution" has been in place, more than 340 asylum seekers have been sent to Manus Island on as many as eight planes. The now exiting Labor government was proud to trumpet a sudden drop in arrivals.

1 Abdul Karin Hekmat, "Four reasons that Rudd's cruel PNG policy violates the rights of refugees," *Sydney Morning Herald*, Jul 24, 2013.

The website connected with the Department of Immigration is a grim medley of media matter designed to discourage asylum seekers from exercising the core right to seek asylum. Arrival in Australia, it promises, will "never" result in settlement. It might be argued that the entire Australian policy base operates on a delusion and a legal error: that individuals are not entitled to exercise, under the Refugee Convention, entitlements connected with the seeking of asylum.

"Definitions are important in the business, and a refugee can simply be defined as someone outside his or her own country who fears persecution because of their race, nationality, membership of a particular social group or political opinion. It is important to note in the discussion that roughly 90 per cent of asylum seekers who have come to Australia by boat are genuine refugees."

The decision to send asylum seekers to Papua New Guinea and Nauru is also being challenged in the High Court of Australia. There are various valid reasons why this might be so. For one thing, there is insufficient infrastructure to determine the status of refugees to begin with. According to the UN Refugee Agency, "There are currently no immigration officers with the experience, skill or expertise to undertake status determination under the Refugee convention." Part of such offshoring solutions lies in the public relations of false humanitarianism: save lives and have

asylum seekers processed safely away from the treacherous sea. This disingenuous line is hardly met when the facilities are barely there to begin with.

Solicitor Adrian Joel has told Fairfax Media that the application, which involves representation for an Iranian asylum seeker sent to Manus Island has also been broadened. "We've amended and significantly broadened the pleadings to include a declaration that the power to offshore is invalid because there isn't power in the constitution to do such a thing."²

There has also been extensive commentary about the potential harm that might come to asylum seekers being processed at the centres. In the case of PNG, a motion banning non-Christian faiths has been passed. Given the composition of most asylum seekers – Muslims fleeing persecution – this is only the start of the problems, given that observance of one's own religion in the place one seeks asylum is protected.

Another oft remarked comment is the domestic violence situation – recent figures suggest that 50 per cent of PNG's women have been subject to sexual assault in private dwellings or on the streets. With physical violence, the number is higher: 68 per cent.³ The means of bringing perpetrators to account are slim, given the complicity of the police and the legal system in shunning reporters of violence.

We know that the Australian government has erred when it comes to its approach to refugees. The "Malaysia" solution of 2011, struck between the Malaysian and Australian

governments by way of understanding, was found to be beyond the power of the immigration minister in the High Court case of *M70*. Insufficient acknowledgment had been given to Malaysia's credentials to process refugee claims. Glaringly, Malaysia was not a signatory to the Refugee Convention. Adding to this Malaysia's poor human rights record, and the declaration by the minister failed by his own standards.

When faced with the latest challenge, former Prime Minister Rudd claimed that, "There's always going to be challenges."⁴ The line taken by the applicants follows a similar pattern to the decision in *M70* – that the Immigration Minister Tony Burke had no evidence before him that Papua New Guinea would act, let alone show an ability to act, in accordance with assurances given that asylum seekers would not be at risk of being sent to another country where they had a well-founded fear of prosecution. This has not stopped Canberra outsourcing its obligations and sending more arrivals.

While it would be comforting to see the deliberations of the High Court as a vital feature of international refugee law, it would be more accurate to deem such discussions as ones of how Australian law has been abided by. Australia has had, at times, a bungling executive when it comes to policing its own Migration Act. The possibility that it just might have happened again cannot be ruled out. Refugee advocates will be hoping that is very much the case. The Canberra crew are notoriously incompetent, even in their cruelty.

2 Michael Gordon and Daniel Flitton, "Labor, Coalition targeted in asylum-seeker court challenge," *The Age*, Aug 27, 2013.

3 Hekmat, "Four reasons."

4 Judith Ireland, Michael Gordon and Daniel Flitton, "Kevin Rudd dismisses legal challenge to PNG Deal," *The Age*, Aug 19, 2013.

TORTURE

ASIAN AND GLOBAL PERSPECTIVES

WHO DID THIS TO US?

STORIES OF TORTURE VICTIMS IN SRI LANKA



BOOK REVIEW: THE NARRATIVE OF JUSTICE

The Story Of Human Tragedy



A child at Weliveriya carrying a black flag (Photograph courtesy Indika Handuwala, Sunday Times, Colombo, Sri Lanka)

by Eran Wickramaratne

Basil Fernando's well researched book documents state perpetrated torture reaching back to 1998 and tells a harrowing narrative of the willingness of state machinery to resort to the most egregious violations of personal security and dignity within remit of the criminal justice system. A large number of cases paint a gruesome picture of dismembered bodies, widespread sexual assault, forced starvation and a repeated denial of medical attention. Strikingly, although the documented cases are spread out over a duration of 15 years. Each story

seems resoundingly familiar. Individuals are arrested on fictitious or flimsy charges and brutalized at the hand of the system. In the event that they make it out alive, accountability for the injustices committed are rarely forthcoming and challenges to police perpetrated abuse are often silenced either through unwarranted delays in the court system or the threat of further violence outside it.

Torture victims are almost entirely the poor and marginalized in society. The lack of

education, wealth, or political connections makes the victim vulnerable. The victim's ability to resist torture and fight back false charges are minimal, and makes them easy prey in an unjust system.

In effect, our criminal justice system is seen as failing its victims twice while protecting its perpetrators from being held guilty of violating all that is fundamental in our Constitution, leaving us with a traumatized society and shrinking spaces for democracy and deliberation to thrive. The right to be free from torture is fundamental and universal. The United Nations declaration, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, and Sri Lanka's own Act No. 22 of 1994 clearly recognizes the legal right of an individual to live in a secure environment as a free agent, free from torture. The right to be free from torture deserves our attention because its abrogation threatens to erode the very fabric of our humanity. The fact that states engage in official torture cannot be doubted - we have heard numerous examples of state perpetrated torture in recent times (China, Nigeria, Pakistan etc.). However, it is important to stress that regardless of the circumstances, all states believe that it is wrong. All that engage in torture vehemently deny it. No state uses 'sovereignty' as a justification for the right to torture its own citizens.

It is perhaps unrealistic to assume that we can hope for a society completely free from individual police personnel committing acts of torture. Nevertheless, it is our duty to ensure that while the individual may fail the system. The system does not fail the individual.

As is demonstrated through the documentation of these cases, an unwillingness to implement a witness

protection program; arbitrary arrests; disproportionate delays of complaints at court level; the distinct lack of power afforded to the National Human Rights Council to perform under its mandate, together with the ramifications of sweeping political patronage, leaves an already compromised system open for widespread abuse. Consequently, this results in a troubling narrative of (in)-justice that signals that official torture will be tolerated, and even encouraged. Indeed, it is a narrative that has, over time percolated beyond the walls of the prison complex, seeping deep into the mindset of Sri Lankan society at large. As such, since they represent the most visible pillar of the rule of law, the resort to widespread torture among the police force has contributed largely to the displacement of the law's sanctity from the reality of the lives of ordinary people.

"We must delink the police from the military institutions. In Sri Lanka the cross cutting ties between the police and the military has resulted in the lines between internal order and external security becoming blurred. This leads to a situation where almost every instance of civil disobedience can be recast as an 'external threat' warranting disproportionate use of force. Recivilize the police force."

Reform then, lies in the ability to restore the public's confidence in the law and its consequent ability to safeguard Sri Lankan citizens. A systemic change in how the police interact with individuals in custody,

regardless of whether they are innocent or guilty, is likely to delineate and charter a new course for the progression of peace and justice in post-war Sri Lanka.

The narrative of justice told through stories of torture victims is not an academic story of a failing system. It is the story of a human tragedy unfolding in the daily lives of citizens in our country. Torture is a social evil. There cannot be any tolerance limit for its existence. We must embrace the idea of a world that is free of torture. Reading the narratives of victims causes both anger and sympathy. Basil Fernando's analysis leads us to the absolute necessity for reforms.

We must delink the police from the military institutions. In Sri Lanka the cross cutting ties between the police and the military has resulted in the lines between internal order and external security becoming blurred. This leads to a situation where almost every instance of civil disobedience can be recast as an 'external threat' warranting disproportionate use of force. Re-civilize the police force. The recent military attack in Weliweriya on unarmed civilians who asked for clean drinking water could have been avoided if the distinction between policing and military combat was clearer. There must be a screening process of individual police officers on the basis of their 'human rights record' and dismissing those officers found to have committed acts of torture or inhuman/degrading treatment. A mere transfer for those found guilty indicates tolerance of wrong doing.

A more professional police force has to be better remunerated to resist the constant pressure to supplement poor incomes. Larger expenditures need to be made in training police personnel on the basis that they are protectors and promoters of the law and justice, as opposed to enforcers of security.

Better training will have to be complemented with higher investments in technology and machinery to enhance the probability of prosecutions based on circumstantial evidence rather than confessions elicited by the use of torture.

My comment on the book will be incomplete if I do not comment on the author. I have met Basil Fernando only once. He certainly made an impression on me as a man with a mission. His life was consumed by his passion of fighting for the marginalized, the victims of injustice, and particularly those subject to torture, inhuman and degrading treatment. His commitment to the task has certainly not made him wealthy but has deprived him of friends and relatives, since he has felt unwelcomed in the land of his birth – Sri Lanka. Our country is richer because of people like Basil Fernando, who are idealists pursuing a cause, rather than being paid hirelings working to the agendas of others. His philosophy, his ethics, and his lifestyle stand tall behind his new publication. I strongly recommend the book for those with an open mind in pursuit of an open society – a country where its government will fear its people rather than a people who will fear its government.

(Eran Wickramaratne is Member of Parliament, Sri Lanka)

BOOK REVIEW: NARRATIVE OF JUSTICE

Torture and Trauma in Sri Lanka

by Rajat Mitra

My first impression was that I was overwhelmed because of the sheer number of cases and the diversity of the ways in which people were tortured. What started sinking into me was the question, "What has happened as a result of all this? Has society taken notice of it?" How can people possibly stay indifferent after reading this?

Let this book sink into the consciousness of the people. Let people start talking about it. And as they start talking about it, they will find difficulty accepting that this happened in their midst. This is not something they can erase by saying it happened in the past. It is something which is very much there and will continue as a transgenerational trauma for the people.

These narratives of trauma will seriously affect the fabric of society even 50 years from now and affect how people become immune

to happenings around them; until and unless there is accountability and people decide to act.

It has been seen that until and unless we start accounting for trauma happening in our midst, it starts affecting every trade, every core, every part of society in different ways, and becomes a part of society like a cancer or virus and grows and grows. And until and unless people are made accountable – and I don't mean accountable in the legal sense, I mean it in the moral sense, in the sense of accepting being accountable – it would be very difficult to call Sri Lanka a mature society at any time in the near future. Societies, in their growth and their evolution, come to a point when they have to take accountability for their wrongs before they can become mature. For any society to call itself a developed or mature society, at some point, it has to account for the wrongs it has

closed its eyes to. For example, America had to deal with the issues of slavery and the Vietnam War before it could cross over to the next phase.

To me, what I am reading in this book is appalling. It is abhorrent. I am an Indian, but when I see that this has happened right across from me, it makes me feel, 'My God, how can we stay indifferent to it?'

The maturity of a society is a very important issue. What you find when you read through these cases is that the events relating to which such serious acts of torture have been done are trivialities. Somebody loses some small thing and then a person is brought to the police station. Without even asking them a single question, that person is tortured. Sometimes they are beaten, hung on a beam and, in recent cases, chili is put on their private parts and eyes. These acts are done by average law enforcement officers. Looking at this treatment from the point of view of a human being, we understand that there is something radically wrong. They do not seem to feel critical, they do not ask, 'Should I do this kind of thing?' Nobody seems to be asking that question.

We are not seeing something new. The only thing about this book is that it has recorded something that has been going on for a long time, virtually since a policing system was established. In the modern sense, a policing system comes into being in Sri Lanka only with the British. They celebrated their 146th anniversary for the formal start of the policing system recently. Ever since that time, there has been a big contradiction involved. On the one hand, this is the way through which you introduce the idea of justice; if a murder takes place, there should be justice in court. Justice meaning justice for the victim, and also justice for the accused. On the other hand, at that very same point, law enforcement agencies began to do very

stupid things and seriously affected the legal process. This has gone on for so long.

The fact is that, at the moment, people are immune, and not necessarily due to fear. Fear may play a part due to insurgencies in recent times, but police torture did not begin with insurgencies. Endemic police torture began much earlier.

When the book was published, we were not revealing anything that anybody didn't know. The book puts in print form what many people haven't noted. They may not have noted it in detail because people tend not to look at some issues, so the book gives an enormous amount of details.

The book is, first of all, a collective. When you read an individual torture case, the human mind brushes it aside. It is very difficult to stay with it. The next thing we do is deny its significance. We say, 'Oh, it was an individual case,' or we somehow rationalize that the person deserved it. This book puts cases together, which makes many people say, 'All these people who were tortured, they did not deserve it.' There are so many cases, so many - I was trying to see why they were tortured; it seemed to be for trivial reasons, it didn't make sense. They could have used simple questions. 'Did you do this?' 'Did this happen?' People are tortured about the most trivial, most inane things.

A book like this makes it very difficult for people to discount and dismiss torture. Torture rests on the denial of society. I would say that the more we have thicker, fatter books, the more we have collectives, the more it will shake the conscience of people because one sometimes need a big impact in order to shake people up. Individual cases, five cases or ten cases do not do that; but if you have five hundred cases, one thousand cases, then it shakes you up. Simply speaking, it makes you ask, 'What is happening in our society?'

Even the most pessimistic person would say that at least 90% of the people in these cases did not do anything close to deserving this treatment. The most common reason I have seen for the acceptance of torture is the belief that the tortured person was probably a thief or a terrorist, or in some other way somehow deserved it.

This kind of a book cuts across that whole argument without explicitly saying so.

Another issue is the overall effect on society from the behaviour of the police. Here you have a seriously disturbed police/society relationship. To my understanding, it is not something that is going to go away, because it has been established on a mass level.

In societies that have such a mass level of torture by the police, there is a serious rupture in the law enforcement and in the concepts of justice and society, because most people only see justice through the prism of the police.

If I look at police torture in behavioural terms, one of the things I notice is that when policemen torture regularly it becomes a part of them and even when they are just talking, even in inane conversations, there is some aspect of torture coming through.

When I was asked by the courts in India to do interviews in prisons and detention centers, I would often have the following experience: I would be interviewing and making some progress. A police officer would enter the room just to find out what was happening and I would say we were talking. (Whether it was a suspect or a witness, it was immaterial.) He would say something to the effect of, "Oh, they haven't told you everything yet?" and he would go and slap them hard. It would happen right in front of me and I became quite particular about sitting in such a way that I was blocking the door so that they wouldn't be able to go to the person straight

away. They would move so fast after asking whether the witness or suspect had told me everything.

This interaction would be about several things: *the person has wasted my time, police time, and he has no right to do so; and a slap or a hit is something that is very natural, so why shouldn't I?* This officer, not someone who has been involved in the interrogation or investigation, would think that because he has slapped the person I was interviewing, that person would tell me everything. And since I can't and won't slap - I was known to the police as a gentleman talker, they would laugh about it - this would somehow be the last straw that would make the person talk.

And then the officer would immediately turn back into themselves, and they would say, "Dr. Mithra, why don't we go and have a cup of tea? I have given them something to think about." He would turn to the person and say, "We are coming back in five minutes and I am going to show you what I can do."

It would ruin everything. Whether the interviewed person is innocent or guilty, no person deserves to be slapped or talked to like that. It has become a part of these police officers. Slapping has become a very routine thing for them. They cannot talk without slapping.

The same thing happens to policemen who have had no formal training, who are corrupt, and where the system for the rule of law has completely fallen apart. There is no notion of what they are supposed to do with a suspect or a victim, except that they need to use brute force in order to get at whatever they want; and they seldom want the truth. People who search for the truth know that violence is divorced from truth. Violence and truth never go together. With these policemen, violence has become an integral part of them.

These people, when they are called up - if a cycle has been lost or something similar - automatically start with violence. That is a sign of a sick police force and its sick relationship with society.

Any sane society needs to look at it very seriously. The situation is comparable to India and Pakistan, where the police is also very sick.

What we see from the police is a very mechanical and reflexive reaction to suspects and how they should be dealt with.

It is possible to deduce some things from the behavior of a policeman who assaults interviewees, as mentioned above. Firstly, it is clear that he is not a thinking being. He is not observing anything. A rational person who wants to know what is happening would ask how it is going, would ask if he could talk to me privately. These officers would do none of that. They would just walk in and slap. It is a person who is not a thinking being, who has no value for truth, and who is not compassionate at all. Interestingly, when I would talk to them about compassion, they would say that a policeman should not be compassionate. I would say that you can be tough and yet compassionate.

What we are seeing is a model. A model has been inbuilt into these people with certain ideals. An ideal, for example, of not being compassionate. 'If I am to achieve anything, I should not be compassionate. I should be tough, physically tough.' It's a kind of model within which thinking has no place.

Thinking has been replaced with violence. There is no place for thinking, exploring, finding out. I think that the police force should be able to think clearly. It scares me because, for police who cannot think clearly, the only recourse left is violence and to go about things in a tragic way.

The second issue is compassion and it is very interesting that, in many interviews with suspects, they disclose information only if someone is talking to them compassionately. It doesn't mean condoning anything. I have to be tough and go about finding information, but I can understand why they may have done something, how they may have been brought up. Many people share more when they speak to someone who they think respects them. Police officers, particularly the ones in charge of interrogation, may do well to learn this principle. Then torture would go down significantly and they would be much better at solving their cases.

Training

The above idea of teaching interview skills is, of course, in line with our ideals; the ideals of rationality. However, if we try to understand what has happened to create a situation like this, some other problems come to mind. Although we say that, from the point of view of proper training, there have been no interview and other skills taught, there has actually been a kind of training going on. It is a training that is based on officers from the earlier generation; when a young man comes to work, he is trained like an apprentice. On the job training.

They are brainwashed and conditioned into accepting certain ideals, which should be brought to the surface more. They believe that when they are dealing with criminals, they need to give up the idea that violence is bad. In this particular job, they tell themselves, violence is valid. There is a big contradiction in their whole philosophy. The law enforcement officer is supposed to eliminate violence in the whole of society. But they have an idea that that can be done only through violence.

What is the cultural model here? We are not dealing with abnormal people or anything

like that. We are dealing conditioned people who have gone through a long period of training – a different kind of training, true – but with different kinds of ideals.

The training in the South Asian context has primarily been about law and order. It has never been about investigation. The police have neither been taught nor know that their goal is supposed to be to value truth. The younger officer always learns about torture from his senior officer. He sees that the only thing that can save his skin is a confession. It doesn't matter whether the person confessing has done anything or not, they just want the confession.

There is a formula that is used in investigations: $Fa + L = C$, where Fa , 'force of assertion' plus L , 'leverage', equals a confession. In that, the more force the officer applies onto a person, the more likely that the officer will get a confession for himself. And the officer learns that this is how he can do well at his job, how he can excel, so he feels he needs that confession at any cost. Truth is actually the biggest casualty and nobody bothers about that.

Once they have the confession they have to move onto another case, but the goal is just that, the confession. The role model for that officer is the senior police officer. You can see that the senior police officer has been trained by his senior officer and, if you asked them, they would say that nowhere along the way has anybody taught them the rules of scientific investigation or about how to conduct interviews and interrogations. These things are not known to us in the South Asian context. I have observed training sessions in several police academies and when I asked the trainees and officers which model they use for investigation, they would say, 'What models are you talking about?' There are well established models that are used by other

police forces but they are not used much in South Asia.

For example, there is a model called the Reid model. It is a seven stage process where you lead a suspect through different stages to see whether they have done it or not, and at the end the closest you can come to is 'yes, there is a possibility that he may have done it.' You leave it there because you know that there is a possibility that you may be wrong. This is an area that is highly subjective, emotions are very volatile, and where your bias can affect you. What you see from this book is that there is nothing even remotely like this used when dealing with suspects - or rather, in dealing with any person who is called to the police station. What the police actually do is completely crude and, in a way, inhuman and barbaric. What scares me is that these officers are actually bigger criminals than the criminals outside. So are people going to say that they are managing their society with these people? Because someone whose thinking is warped can't solve problems, someone who has no compassion for people should not be doing such an important job. How can a sane society be expected to have a police force like this? That is the question.

What this book does is to provide a considerable amount of evidence on a cultural model.

It establishes how normative it is, how deeply it has gone in, and it completely ridicules the idea that torture is linked with terrorism, ethnic violence or any other serious issue from which society faces danger. I mean, does society face a danger from someone who is suspected of stealing a bicycle? It is ridiculous. If you are taking torture to that level, it completely debunks this idea that torture is essential for maintaining society, for protecting it from terror or anything like that.

This is plain inhuman violence that they are doing to their own people.

The title of this book is *Narrative of Justice*. It is essentially a narrative of the absence of justice in the process of investigating crime. If we take it deeper, in the cultural model, something further gets revealed. In most of the cases, people are taken in for trivial matters. But then what we find is that, when it comes to serious crimes, these very same people don't use the same method. There is almost an indifference to dealing with crime. Taking two examples from Sri Lanka: A DIG of police has now been arrested because he took three million rupees to kill a businessman, who had taken some 30 million rupees from another businessman. One businessman hired the policeman to assassinate the other. Another example is where one politician, along with a gang of drug addicts, shot at a group of people, including a prominent politician, and five people died. And, the politician who did the shooting is still a Member of Parliament.

In both cases, serious criminal cases, nobody used violence on the accused.

The police keep a certain façade of doing some activities, filing cases, getting some confessions, and then putting them on paper. Whether, after three or four years, someone is acquitted etc., nobody is bothered. In virtually all these 400 cases, there are no trials. They don't go that far. They aren't bothered. They have to pass through the moment when there is a report of a crime. Some reports have to be filed about it so they get their promotion and they can remain in their job. If they don't, they get into trouble. Within this cultural model, justice seems to be completely absent, and that is more shocking.

Torture is most often not used in serious crimes; rather, it is used for when someone

is suspected of a petty crime. For serious crimes, crimes of mass violence or political crimes, the police hold off until and unless they feel that they have sufficient backing in case things go wrong. They tread carefully in those cases. When it comes to small crimes, most police officers are much more bothered about the numbers. They always say that there should only be a small number of crimes in their area – and by crimes they mean petty crimes. That is something that they think they can reduce by creating a climate of fear.

One of the most common things the police say in India is, 'They are no longer scared of us.' Policemen have confessed and lamented about it to me. 'People are no longer scared of us.' Making people scared of the police has been the most dominant tool in the police's hands, and the more it is used indiscriminately, the more successful police officers are in their own eyes.

It is partly about the numbers. The more people it is done to, the more successful police officers they are in their own eyes. Their self-image is much better if they have done it to a larger number of people.

In a police officer's thinking, it would go like this: today, if I have slapped 10 boys, then I have done my job. But if I say that I have slapped one person who is involved in political crimes, then that doesn't fit very well. So how many people have I slapped? How many people have I beaten? How many people have I put fear into? This is one of the primary ways a police officer actually retains their self-esteem in our countries. The number here matters a great deal.

We are dealing with something very serious. Something very deep, culturally; the very model of how police measure themselves. However they were beforehand, once they enter this work and become integrated into

the system, their own self-image undergoes a transformation.

They have to slap, beat, torture people in order to be good at their job, and this is the way they get to be a successful police officer. This is what is told to the rookies by their seniors.

It is a police force that cannot actually be part of a sane society in any way. It cannot talk without violence; it cannot talk without slapping or hitting. A police force that cannot talk properly is a very sick police force.

What we are actually confronted by in this book and other evidence is the need for a complete shift of orientation in the policing system. In other words, it is not about crime investigation that you have to first agree on. First they must ask, 'What is this for? What are the social objectives this serves?' When those objectives are changed, then new kinds of models develop, people are trained and people operate within that model.

But we have created a certain model years ago, maybe by accident. Maybe they couldn't run a system – when these systems were introduced by the British, they were a colonizing power and they had limited resources, and their own thinking was limited in their own countries, where there wasn't policing as it is today. We should approach this problem by searching for what the cultural model is here and why, rather than to find a few patches of this or that solution. What is first needed is a societal discussion.

In India, there are two kinds of police stations. Some are old police stations, and some are new. How do you separate the two? The old ones only have police barracks. Why? Because during the British times, colonial times, and after, it was felt that it was best to separate the police from the local

people as much as possible. If they were closer to the local people, they would be more compassionate. That was not allowed. Changing that idea in India has been a very tough issue. We still have some who say, 'No, it should be separate, they should not be allowed to meet.' Even today, some think that police are not supposed to mix and deal with people, except for the purposes of spying and collecting information. They are not really supposed to try to understand because that is supposed to make you very subjective and weak inside. You have a situation in the whole of South Asia in which there is a very deep-rooted malady, where the police force is trained to produce only fear and psychosis in the population. That is what needs to be attacked in order to create a sane society. The longer it remains, the longer society remains unable to heal.

This book goes further than the police and goes into insights into the overall society. There are things that, in the modern sense, would be called 'insanity' and we somehow pretend to accept them, pretend not to notice, and we carry on. There is something sick and deep, and this can be the beginnings of a discussion with this kind of evidence placed in front of people. This requires very serious thinking about the society itself.

When the police is unable to discharge its functions, society is one step closer to a cracking up again, closer to anarchy, tribalism, baying for the blood of people, like what you see happening in Dehli recently with all the mass demonstrations taking place. Nobody trusts the police; everybody sees them as corrupt.

Dr. Rajat Mitra is an internationally reputed Indian Psychologist working as a Senior Mental Health Consultant with the Asian Human Rights Commission

INTERVIEW: NARRATIVE OF JUSTICE



AHRC File Photo: Sri Lanka police brutality

Sadistic Tendencies Of The Police

An Interview with Dr. Sunil Cooray on Torture in Sri Lanka

Dr. Sunil Cooray is a senior lawyer who is very well known in Sri Lanka. He has been in legal practice for 46 years. He is the author of the two volumes of the authoritative text

Principles of Administrative Law in Sri Lanka. Basil Fernando of the Asian Human Rights Commission interviews Dr. Sunil Cooray on practice of torture in Sri Lanka.

Basil Fernando: You have done several cases in Sri Lanka relating to torture. Could you tell us a bit about your experience?

Sunil Cooray: In torture cases, I have appeared for both the petitioner and, on a few occasions, the respondent police officers. My experience is that the court generally leans in favour of the respondents. That is to say, as far as possible they try to claim that the case for the petitioner has not been proved. If I am for the respondents then I am OK. But I've found that for the petitioner it is a slightly uphill task to convince judges that police officers and prison officers have committed torture. That has been my experience.

BF: Why do you think this is? In a courtroom, both sides must be equal and evidence must be assessed accordingly. For example, in Sri Lanka, medical evidence and similar things are used. Is the difficulty you mentioned the result of some kind of psychological bias?

SC: It is, I suppose, something like a psychological situation, because most of our judges in the Supreme Court - and that is where all fundamental rights cases are heard - come from the Attorney General's Department. Throughout their lives as practicing lawyers in the department they have been in touch with police officers, and they have a tendency to believe what the police say rather than what an ordinary citizen has to say. I think that is part of the problem.

BF: Now you would have seen this book *Narrative of Justice In Sri Lanka told through stories of torture victims*?

SC: Yes I have seen it.

BF: There are 400 cases and that is a very large number of cases. Why do you think such a widespread practice exists?

SC: I think that there are various reasons, but I also think that there are things that can be put in place to minimise or even eliminate torture. I think there are numerous reasons why torture is committed and one reason might be that some police officers have sadistic tendencies and if they get hold of an innocent man, a defenseless man, they want to satisfy their sadism by beating him up. And it also happens that many police officers drink liquor in the evenings so they are badly under the influence of alcohol and they want to have a little fun with these defenseless people who have no one to turn at that time. Those are mainly poor people, and they are harassed and tortured.

There are other reasons as well. For instance, a person may be caught up in a case, rightly or wrongly, and the police may be under instructions from somebody else that torture should be committed by them on that man. This may be for political reasons or similar. Even a straight police officer may be under some compulsion in those circumstances because he might fear that unless he complies he may face a transfer order or some disciplinary proceedings or similar. They also resort to torture to extort money and that also depends on the wages of the police officers. So those are some aspects to be looked into. Police officers should be paid a living wage so that they can maintain themselves and their families in reasonable comfort, and lack of that may be one reason. And then of course there is a general feeling, and some judges and lawyers agree, that torture is something that should not be totally prohibited because according to them torture is an integral part of investigations. That is a completely wrong view and of course is completely against the law but unfortunately it is an embedded idea in the heads of some of our judges and lawyers. And that is one reason why they tend to side with the police officers who are accused of

committing torture rather than siding with the petitioner.

BF: Would it be correct to say that at no stage, either by the government or the high ranking officers of the police, a sincere message has been given to the police that torture is wrong?

SC: I think that is so. I don't think that there is any sincerity when higher ranking police officers tell their lower grades not to commit torture; it is taken with a pinch of salt. They think it is just a matter of words that torture should not be committed. I think what you said is quite right.

BF: So, in other words, the use of torture is a matter of accepted unofficial policy?

SC: Some sort of accepted unofficial policy, but I am sure that sort of policy is losing ground. I am sure this idea, which is in the back of the heads of our judges, lawyers, and senior police officers, is losing ground and I hope the day will come when the idea does not exist anymore because it is brutal. By modern standards it is brutal to commit torture and I hope the day will dawn when the idea is eliminated totally from our lawyers and judges.

BF: What is obvious in this large number of cases is that torture is committed in relation to trivial matters.

SC: Of course, that's correct.

BF: So doesn't that demonstrate that there is no real idea of criminal investigation involved? Does this have anything to do with our criminal procedure?

SC: Criminal procedure, yes, but I would say it's also about the numbers. For instance, a police officer, the OIC [Officer-in-Charge]

of the area, has to show the number of cases that have been investigated and that he was able to catch the perpetrators in very many of them, put them before the court and say, I have done my job. If he admits that he could not catch the culprits in very many cases then he looks bad from the point of view of his superior officers. So he has to show results. Whether they are convicted or not is a different matter, but he must at least be able to tell his superiors that he has been able to do an investigation, catch the people responsible for crimes, and bring them before the court. Of course he will try to go one better by torturing to get at various types of evidence like the weapon used and so on and so forth. Statements made to the police under torture, both under Indian law and our law, cannot be admitted in court, especially if it is a confession.

So that is also part of the problem: the numbers, police officers having to show numbers to their superiors; successful investigations.

BF: Now, you see that the possibility of changing the attitude towards torture largely depends on how much of a modern jurisprudential approach is present among the judges and the legal profession. In terms of that, how do you assess the situation in Sri Lanka?

SC: The situation in Sri Lanka is of course not at all geared towards changing the mindsets of lawyers and judges. I think things should change, beginning with law school in the universities and the law colleges; there must be an awareness of the extent of torture, such as by publications like what you have just done, documenting all that could happen in a police station. If anyone goes through the documents you have published, 401 cases, they would tend to change their attitudes. Especially because lawyers are coming from

a certain class, they don't come from the class of people who undergo torture. But they must be made aware that there are such people. It can be brought home to them only by this type of publication. And I think in the future, also as you suggested, there must be a mechanism of monitoring, recording and documenting instances of torture.

BF: In what ways do you think that the Bar Association and similar organisations can influence the thinking of the police hierarchy about a policy issue like this?

SC: There is rule of law committee of the Bar Association, which is expected to monitor and to be mindful of this type of situation of torture, and so on. So that committee can take the responsibility for collecting data from all over Sri Lanka about instances of alleged torture and document them. It is one thing that can be done, and they can publicise them. Also, if higher police officers can be contacted and shown the lectures and video clips that you have brought out, that should convince anybody that torture is possible and it is taking place. This is something that the Bar Association's Rule of Law committee can do.

BF: What do you think is the future of fundamental rights, particularly in relation to issues like torture?

SC: Fundamental rights will of course live on. There will be stages and times when they will be under a cloud such as now and this depends on the judiciary and the legal profession; on how brave the legal profession will be to bring up these cases and how receptive the judges will be to allegations of torture, especially the judges from the Attorney General's Department, who have long-term dealings with the establishment and especially with the police.

BF: The habit of the Attorney General's Department of giving evidence from the bar affects the rights of people.

SC: I think that this is something that even I have failed in taking action against; I think that when it happens we should immediately retort to the bench that our opponent counsel is not entitled to make submissions of fact without having put forward any affidavit or document to back up what he is saying. He must make submissions of fact only confined to the record and what the record at that stage contains, in the petition filed by the complainant or torture in affidavits and medical documents, and so on. And I think it is up to us as counsel for the petitioner, as you have rightly pointed out and encouraged us to do in this seminar, it is our duty. I don't think it would be difficult to do it and even by amendment of the law and rules of the Supreme Court it can be provided that when the counsel is heard he should confine himself to the record. If he has already filed affidavits, he can make submissions on those; if not, he must confine himself to what transpires on the application filed. For every application in a fundamental rights torture case, the Attorney General is a necessary party considering the constitution and rules of court so it may be that in that very provision it can be said that the state counsel appearing for the Attorney General at that stage must confine his submissions to fact on to the record.

BF: Now there is also the habit of not showing documents submitted through the Attorney General on behalf of respondents to the petitioner's counsel.

SC: Yes that happens; it happened in one of my cases. It may have been a failing on my part and I should have protested and said that it should not be taken into account

because it is not part of the record. I should have done it. I don't know about the judges, what they might have said to that. But I think I failed in my duty as counsel to the petitioner to do that and insist the document should be disregarded in giving a decision in the case. They should consider a case based on the record and not on something brought outside and not shown to my client, something which he has no opportunity to contradict or comment on. That should not be taken into consideration.

Basil Fernando: So there is nothing to support that a document is only for the eyes of the court?

Sunil Cooray: Absolutely there is nothing and it would be very unfair. It would be a failure of natural justice if one party is permitted to make secret submissions not shown to the other and if the courts rely on them to make a decision; that is an absolute failure of natural justice.



OPEN LETTER

Mr. President

Stop the use of chili by the police during interrogations

(The following letter was sent to the President of Sri Lanka, Mr. Mahinda Rajapaksa by the Asian Human Rights Commission)

by Bijo Francis

Requesting your high level intervention to stop the torture by way of the use of chili by the Sri Lankan police during interrogations.

I am writing on behalf of the Asian Human Rights Commission and the reason for addressing this to you directly is because there is no other authority within Sri Lanka which can exercise any effective control over the discipline of the police and intelligence services other than yourself as the executive president of Sri Lanka. This situation is due to the manner of the exercise of command responsibility within the framework of the 1978 Constitution. In fact, on many occasions we have written to the Inspector General of Police and the Human Rights Commission of Sri Lanka on this same issue but our appeals have not led to any positive steps being taken to stop the use of chili in various forms during the interrogations of suspects.

The most recent event that forces us to bring this to your kind notice is the complaint of Mr. Madawala Maddumage Don Aruna Nilupul Indika (39), of Mahagedara, Devala Road, Welipenna in the Kalutara District. Mr. Nilupul Indika is an interior decorator

and a man who enjoys a good reputation among his friends which include many persons of other nationalities. In fact, it was the intervention of an Irishman, Mr. Helhill, who visited him at the Matugama Police Station and the steps that this Irishman took to inform the police that he would not leave the police station until Mr. Nilupul Indika was released that saved the life of this man.

The officers at this police station used kochchi chilies on his eyes first and then later on his genitals and anus. For your information we quote the following excerpt of his statement relating to his shocking, appalling, painful and humiliating ordeal:

At that time Nilupul noticed that one of the officers was holding a bag of kochchi chilies (a small but very strong chili). (The officer) placed the chilies in a disused sock and used a piece of hosepipe to crush them before adding some water to make a chili juice. Another officer made Nilupul lie on the floor facing upwards. He then tore off his sarong and pulled off his underpants. They held him down and (the officer) squeezed the sock so that the chili juice ran into Nilupul's eyes. When he tried to close his eyes to prevent the chili juice running into them the officers forced his eyelids apart. Nilupul suffered enormous pain due to this treatment and felt that he was losing the vision in his eyes. He started struggling violently but they held him down. They then placed a couple of chairs over him to prevent him from moving. The officers sat on the chairs to ensure that Nilupul could not push them away. Then (the officer) again began to drip the chili juice into his eyes. The officer then urged Nilupul to admit to the crime of theft but, despite the torment, Nilupul refused.

(The officer) then said to his associates, "This method is not working". He then grabbed Nilupul's penis, pushed back his foreskin and dripped some of the chili juice over his penis.

Some of the juice ran down between his legs and he felt a burning sensation in his anus. Nilupul felt that his anus was prolapsed and asked the officers to allow him to urinate. They brought him to a toilet at the rear of the compound but he was unable to pass anything due to the pain. When he told the officers one of them grabbed his wrists and forced them up over his back, which caused one of his shoulders to dislocate. He was then taken back to the room in which he had been tortured.

The use of chili for torturing a suspect by the officers of the Matugama police is not the first occasion in which such treatment has carried out at Sri Lankan police stations. There are many reported cases while, as you know, many others go unreported due to the fear of the victims of repercussions following the making of complaints against the police. We cite below just a few more examples:

Rankotha Pedige Wikrama Nimalsiri complained of, "Where the police dipped clothed bundles filled ground kochchi chilies into eyes, nose and ears". Thereafter he alleged that he was beaten and tortured in other ways. About this matter complaints were made earlier to the Sri Lankan authorities. In another instance Mr. Jesu Andrew, a 28-year-old man from Holankanda, Mudulkelle in the district of Kandy underwent similar treatment at the hands of the Panwila police. He complained that he was taken to the police station and stripped naked. Thereafter he was forced to lie on a bench, beaten severely with poles over his body and the officers then rubbed chili powder on his genitalia. In a further instance, 38-year-old, Sunil Shantha of Werawatha, Delgahakanda, Anguruwathota was subjected to similar treatment by police officers attached to the Anguruwathota Police Station. He

complained that at the station he was stripped of his clothing, handcuffed and suspended from the roof. Thereafter the juice of crushed chilies were poured into his eyes and rubbed into his genitalia. Another instance in which similar treatment was used was on Mr. Waharagedara Ranjith Sumangala and this done by the officers attached to the Mirihana Police Station. He complained that he was assaulted on his legs with a pole in front of his wife and children and later a plastic shopping bag was filled with chili powder was forced over his head and face. He was kept in this position for over 30 minutes. A similar incident was that of Samayakkarage Ravi Nishantha of Mundakkulia, Anamaduwa in the Puttalam district. This man complained of being tortured by the Anamaduwa police. He complained that after he was assaulted severely the police officers brought him to the kitchen of the station where they covered his face with a plastic bag containing dried chili powder. He stated that he was not able to breathe and felt severe burning and irritation to his respiratory system and nose. These are but a few of the recorded complaints. However, it can safely be stated that the use of chili powder and juice in various ways has become a common practice in many of the police stations in Sri Lanka.

Complaints relating to such practice have been made to police authorities for over several years now. However, no positive steps have been taken by the Inspector General of Police or the Human Rights Commission of Sri Lanka or any other authorities in order to stop this practice. Therefore it is reasonable to conclude that this practice is taking place in a widespread manner with the full knowledge and acquiescence of the higher ranking police officers. We are sure that you are fully aware

that such a practice constitutes torture in terms of the Sri Lankan Constitution which prohibits torture and also in terms of Sri Lankan law under Act No 22 of 1994. The use of torture of any form has been condemned under international law and the international community treats the practice of torture with abhorrence.

Despite of the Sri Lankan law being very clearly against torture there is no attempt to implement the law in the country. The Supreme Court has on many occasions commented on the failure of the higher police authorities to take steps to stop the widespread practice of torture. However, in practical terms no steps have been taken to stop this practice.

Regarding the aforementioned cases written complaints have been made to the higher police authorities, however, no action has been taken against any of the perpetrators of these acts.

We request you to kindly instruct the Inspector General of Police and the Ministry of Defence to issue written instructions to all police stations and intelligence services to stop the use of chili and also to stop all forms of torture in interrogations. We also urge you to request the Human Rights Commission of Sri Lanka to submit to you a report on the widespread use of chili during police and other interrogations and to request the commission to also submit to you recommendations on the elimination of this practice as well as the elimination of torture altogether.

(Bijo Francis is Executive Director, Asian Human Rights Commission)

LETTER TO THE UNHCHR



Ms. Navanethem Pillay, United Nations High Commissioner for Human Rights (Photo courtesy: UN)

Informing the UN with Narratives

by Basil Fernando

(The following letter was sent to the United Nations High Commissioner for Human Rights, Ms. Navanethem Pillay)

I am writing this to introduce you to the book, *Narrative of Justice in Sri Lanka* -- told through the stories of torture victims,

which was published by the Asian Legal Resource Centre (ALRC). A copy of the book is sent herewith. The book consists of the summaries of 400 cases of police torture. These cases were followed by the ALRC and its sister organisation the Asian Human Rights Commission (AHRC) since 1998. All the cases have been followed up for long periods of time and in many of them the victims were provided with legal assistance and psychological counseling. Also, all the cases were reported to the Sri Lankan authorities as and when complaints were received and were followed up with the authorities from time to time. These incidents of torture were also reported to the respective Special Rapporteurs on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

As for the response of the Sri Lankan government and the steps taken by the authorities, it can be safely stated that in none of these cases was any substantive redress made available. This failure is due to the fact that in Sri Lanka there is no independent authority to investigate complaints of torture and ill-treatment and therefore the question of the conduct of prosecutions and any judicial redress does not arise at all.

On the occasion of the publication of this book the ALRC thought it necessary to draw your attention to the fact that the usual formula followed by the UN officers, of recommending to the Sri Lankan government that they investigate into the complaints, to prosecute and to grant judicial redress, has proved to be an exercise in complete futility. We are therefore raising the issue with the hope that you could give serious attention to find ways to have some genuine and serious impact in changing this practice of complete impunity that prevails in Sri Lanka (and, in fact, in several other countries) relating to the practice of torture and ill-treatment. The

reading of this book will easily demonstrate to you how persistently the complaints of torture have been made and how, year after year, there are many more complaints than before, of which none lead to any kind of effective redress.

As a human rights organisation it is our duty to provide opportunities for victims of torture and ill-treatment to make their complaints and to seek redress. However, in the exercise of our function what we find is that despite meticulous reporting nothing of any substantive value has accrued to the victims.

We will of course continue to carry out our mandate as human rights defenders in assisting the victims of torture and ill-treatment. However, we do wish to engage your attention as you are the High Commissioner for Human Rights in dealing with this impasse that the victims of torture and ill-treatment are faced with.

There is a wealth of information placed before you by this book and we are sure by the work of many other organisations throughout the world that may also be placing similar loads of information before you and other officials of the human rights bodies within the United Nations. The problem that is posed by such information is that some hard thinking needs to be done at the highest levels of the United Nations human rights bodies on finding ways to address the violations relating to torture and ill-treatment, protection from which is one of the fundamental rights guaranteed under the United Nations Conventions.

We hope your kind attention will be drawn to the information placed before you in this book.

(Basil Fernando is Director Policy & Programme Development, Asian Legal Resource Centre)

THE EMERGING SRI LANKAN AUTOCRACY

Reviewed by George Katsiaficas

Narrative of Justice: told through stories of torture victims, by Basil Fernando (Hong Kong: Asian Human Rights Commission, 2013).

Something is rotten in the “democratic socialist” state of Sri Lanka. Since 1971, tens of thousands of people have disappeared. Daily abuse of civilians by police and military personnel is now routine—and goes unpunished. Sexual torture through sticks and hot pepper powder is widely practiced. Families who complain of such torture are themselves subject to interrogation. Old mothers who speak out are pushed in the mud.

Sri Lanka’s suffering apparently has no bounds. According to a U.N. panel, the government’s 2008-9 decisive assault on the Liberation Tigers of Tamil Eelam (LTTE) left as many as many as 40,000 civilians dead, most victims of indiscriminate shelling by Sri Lankan forces. In addition, not directly related to the country’s civil war between the majority Buddhist Sinhalese and separatist Hindu Tamils, an additional 30,000 or more people—trade unionists, student activists, neighborhood organizers, and uninvolved citizens—have disappeared, many burned beyond recognition through tire “necklaces” after which their bodies were unceremoniously dumped on roadsides or thrown into ditches.

Basil Fernando and the Asian Human Rights Commission (AHRC), a respected Hong Kong-based association of lawyers, journalists and activists from over 15 countries, has issued a new book which recounts the daily abuse suffered by ordinary citizens at the hands of the police. The sheer number of cases meticulously recorded by the AHRC speaks volumes to the fact that police abuse is systematic. None of the 401 victims—a sampling of the 1500 cases documented by AHRC between 1998 and 2011—whose sad story is recovered here was even remotely connected to terrorism or political conflict. Rather, these are human beings modestly eking out a living who randomly become a way for the police to “solve” a criminal investigation by extracting a confession using the most expedient and speedy means—torture.

One of the reasons why innocent people are randomly rounded up and beaten is so police can close open cases. When torture does not produce a confession, “proof” is fabricated for compliant judges. Politicians could help, but do so only when their own interests (financial and political) are furthered. Opposition political meetings

are attacked, and one of the county's best-known intellectuals, the late Dr. Ediriweera Sarachchandra, was physically assaulted. The trade union movement has yet to recover from the nationwide general strike of 1980 when all workers who participated were fired. Continual assaults on workers go unpunished. One young worker in the Free Trade Zone (a favorite place for police violence) was shot by police, apparently at random. When complaints were brought into the political arena, the outcome—one of the few cases when some remedial action was taken—was a transfer of police to another station. The press has been muzzled and many investigative journalists, fearful for their lives, have left the country.

When complaints against the police are filed, witnesses are threatened with reprisals, as are victims' families. Even when the legal process goes forward, the AHRC believes that "credible investigations into torture do not exist" because ad hoc constitutional revisions aimed at giving the president unlimited authority in the fight against the LTTE eliminated many oversight provisions. The president is "absolutely immune from any kind of prosecution."

The debate in the US on the use of waterboarding, sleep denial, sensory deprivation, and other odious forms of questioning revolves around people suspected of being involved in al Qaeda or related organizations that seek to launch attacks on US interests. (I am totally opposed to torture even in "terrorist" cases, as are some 41 percent of US respondents who, in a recent poll, said torture is rarely or never justified—a percentage of people outnumbered by 47 percent who said it is always or sometimes justified.) Yet the cases under scrutiny in this book have nothing to do with the Tamil Tigers, al Qaeda or any political activity. These are daily occurrences

that revolve for the most part around petty crimes, for which the police simply grab the nearest defenseless citizen on whom they can place the blame.

In another time, Sri Lanka (formerly Ceylon) was understood as an island paradise. Indeed, at the time of the Buddha, people there widely adopted his teachings, and the island became a transmission belt for the spread of Buddhism to lands far to the east—including Burma (now Myanmar) and Siam (Thailand). Ancient Pali chronicles from Ceylon record the extent of Buddhism in South Asia, a region devastated by Mongol invasions of the 13th century. Sri Lanka served as a sanctuary of Buddhism in this harsh era, and when the wave of Mongol repression subsided, the island provided fresh inspiration and leadership for the rekindling of Buddhism on the mainland.

Buddhism may have been born in Nepal and India, but it did not survive into the modern epoch in India. Only the conversion of Ambedhkar in 1956 along with some 500,000 of his followers led to the revitalization of Indian Buddhism—a conscious attempt to undermine the pernicious effects of the caste system that continues to plague tens of millions of Dalits (untouchables) and creates a huge obstacle to India's progress into the modern world.

My digression into a discussion of Buddhism anticipates the reaction of many Westerners to Sri Lanka's recent bloodletting and torturous history. Many of us stop in disbelief when we hear reports of Buddhist police torturing innocent women, children and men, of Buddhist armies slaughtering tens of thousands of innocent civilians. Yet Christianity also preaches non-violence while condoning war and praying for victory. We should not react with indignation in the face of Buddhist hypocrisy while we accept as

normal Christian atrocities on a much larger scale and over a wider swath of lands and peoples.

To return to the subject of this book, the 401 accounts reveal a shocking level of police callousness and disregard for even elementary precepts of justice. A typical case occurs in the following manner. An innocent bystander who happens to be in the vicinity when some small crime is committed is summoned to the police station for questioning. Without any due process or expressed rationale, torture is applied to extract a confession. The victim is first slapped and rudely questioned. When that fails to provide the required confession, several police administer beatings while the victim hangs from an overhead beam or is tied to a chair. When such means of “interrogation” fail to achieve resolution of the open investigation through a confession, other methods are applied. One recent addition to the panoply of torture has been to insert chili powder into the vagina, mouth or anus of the victim, leaving many innocent people with no recourse but to admit to the crime in question rather than to face continuing torture. In some cases, rape and murder are carried out by the police, who then hurriedly create false tales of what transpired.

In none of the cases discussed in this book were the police perpetrators of torture convicted by a court of law—nor were any of the alleged criminals convicted through a trial by a jury of their peers in a court of law. A businessman hires police to kill another to whom he owes money. Although caught, neither the policeman nor the man who hired him to murder goes to prison. Another policeman kidnaps and rapes a woman who has refused to marry him. Afterwards, when she complains to the authorities, the residents of the house where she was held testify that she came voluntarily and enjoyed herself.

Compounding the callous behavior of the police in small substations is the legitimization of police torture at the highest level of government. After his final victory over the 26-year insurgency of the Tamil Tigers, President Mahinda Rajapaksa has ridden high in the saddle, winning a landslide re-election victory in January 2010 and revamping the country’s political system to accommodate his plans to remake the country into a “democratic socialist” island paradise. Four of his six brothers control up to 70 % of the national budget.

The Rajapaksa clan has recently eviscerated Sri Lanka’s judiciary. Facing resistance to their parliamentary initiative that land could be taken by the national government without the agreement of provincial councils as constitutionally mandated, an impeachment motion against Chief Justice Dr. Shirani Bandaranayake was facilitated by current Speaker of the Parliament Chamal Rajapaksa (elder brother of the president) on 1 November 2012, the day after the Supreme Court’s determinations were forwarded to the president. Three other justices of the Supreme Court determined that parliament had no authority to act against the Supreme Court, a finding upheld by an Appeals Court. Lacking constitutional authority, President Rajapaksa insisted Bandaranayake leave her post. When the Chief Justice refused, her family’s lives were threatened. Finally, she did vacate the building, but only before publicly announcing her fear for her family’s lives as her reason. Two Appeals Court judges also received letters threatening their lives. The removal of the Chief Justice indicates that separation of powers as mandated by the constitution has lost significance.

On July 3, 2013, President Rajapaksa signed an executive order that placed the whole country under emergency rule for reasons of national security. Thus the armed forces enforce “the

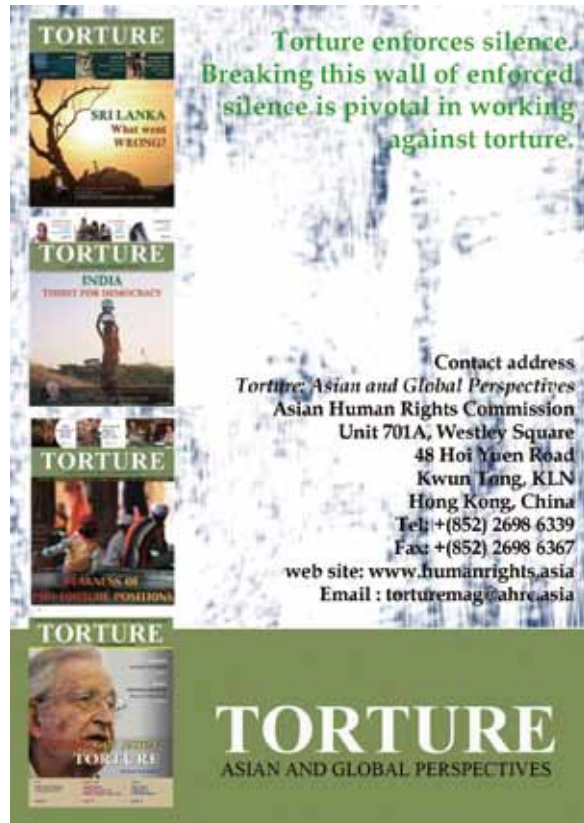
maintenance of public order” in the whole country. Under this order, the army shot into a crowd of villagers in Rathupaswela, Weliveriya. For months, people in a dozen villages had complained to the authorities that their well water was undrinkable due to a nearby factory. Even walking through their ponds caused irritation to the feet of people. On August 1, 2013, people were peacefully protesting the poisoning of their wells, and the government’s response was bullets: at least two people were killed and 25 wounded. The Weliveriya factory produces industrial gloves for export and is tied to Basil Rajapaksa, younger brother of the president and currently Minister of Economic Development. The employment of the military to suppress dissent clarifies that state power supports the Rajapaksa family’s nepotistic rule.

This latest abuse of power in Weliveriya indicates that Sri Lanka’s downward spiral into autocracy will leave thousands more lives in ruins while a handful around the Rajapaksa clan enrich themselves. The daily torture and abuses suffered by people leaves a scar on society that will not rapidly heal. As internationally respected psychologist Dr. Rajat Mitra summarized: “These narratives of trauma will seriously affect the fabric of society even 50 years from now and affect how people become immune to happenings around them; until and unless there is accountability and people decide to act.”

Will the people of Sri Lanka be able to recreate their island paradise? Or will they continue under the iron heel of class-based oppression? Only they are able to answer these questions.

George Katsiaficas is author or editor of eleven books, including ones on the global uprising of 1968 and European social movements.

*Together with Kathleen Cleaver, he co-edited *Liberation, Imagination and the Black Panther Party*. A longtime activist for peace and justice, he was a student of Herbert Marcuse. Currently, he is based at Chonnam National University in Gwangju, South Korea, and at Wentworth Institute of Technology in Boston. (Photo courtesy: Wentworth Institute of Technology in Boston)*



GROUND REPORT: SYRIA

Use of Chemical Weapons IN SYRIA



*Many children were victim to the recent attack in Syria. The regime has been accused of using chemical weapons
(Photo: Mohamed Alarvani)*

During the first hours of Wednesday, 21st August 2013, the regime committed another horrific crime against civilians, leaving hundreds dead and numerous casualties in an area that had already been bombarded by the regime forces on a daily basis.

The area had been besieged for long months, which made it impossible to provide

the simplest needs of life to hundreds of thousands of residents.

The regime's army bombed several villages and towns in Damascus Eastern and Western Gotas with dozens of rockets loaded with chemicals. This attack has been the severest since the regime began using chemical weapons against rebellious regions. The

irony is that this attack, the severest of its kind, happened concurrently with the presence of the expert committee assigned to disclose the use of chemicals in Damascus, following their arrival to Syria on 8/18/2013, taking into consideration that the authorization granted for the committee is confined to areas agreed upon by the same regime that is carrying on attacks with chemical weapons. Thus, this committee does not live up to the task of proving the use of chemical weapons, but only to the extent of whether that weapon has been used or not in designated places.

In detail: each of Zamalka and Ein Tarma in Eastern Gota and Mou'adamieh in Western Gota were bombed with dozens of rockets loaded with toxic agents, which claimed the lives of hundreds, mostly women and children. Moreover, hundreds sustained injury. These areas woke up to an indescribable humanitarian disaster. This was especially so with the huge number of cases that sought the medical assistance in medical centers that have been under siege. This made stark both the lack of medical staff and the lack of the most basic equipment needed to face such a situation.

Immediately, the field team of VDC (Violations Documentation Center in Syria) stationed in East Gota visited – directly after the attacks – more than 80% of the medical centers that received the injured and the victims in East Gota, in order to get testimonies of patients and paramedics. Some of the sites that had been bombed with chemicals were also visited. This was done in order to find out the truth of what happened and to provide clear and precise information about the attack and its victims.

All eyewitnesses the VDC field team met with agreed that the bombardment, which targeted the area after midnight, varied between rocket shelling and mortar shelling, as there had been more than 30 rockets and missiles.

Ahmad, a paramedic in Zamalka city, said:

"the first strike, both with rockets and mortars, was at 1:40 when a rocket fell behind Zamalka's Telephone Exchange, and in the region of Mdayr Jadya – a 'ferry' between Jobar and Zamalka – followed by shelling on the city of Ein Tarma, on Zennieh and Arba' Mafareq districts.

According to eyewitnesses, in Zamalka, the areas targeted by the regime's toxic-loaded rockets were:

1. Harata House
2. Near "Om Mazen Boys' School
3. Tawfeek Mosque
4. The Farm of "Mustafa Khateeb
5. Old cemetery

After the chemical bombardment, missiles fell very heavily on all towns and regions of Gota. This case continued until the morning which made it extremely difficult to evacuate or even provide medical help to people.

Abu al-Khair, an administrator at Al Fateh Hospital, Kafarbatna, said:

'the hospital has been shelled with MIG warplanes this morning, when we could see the destruction of the bombing, about thirty meters away from the hospital, in addition to the enormous physical damage and the destruction to the road of the hospital with some minor injuries.'

The First Seconds Following the Bombardment with Toxics:

A state of panic and confusion prevailed among the population after the bombing, which targeted their areas in Zamalka and Ein Tarma, firstly, because most of the population believed that the bombardment was either with mortars or rocket launchers so they went down to the cellars instead of

going upstairs, which contributed to the aggravation of things before they could figure out what really had happened. For, in the case of chemical attacks, it is required that all residents go to higher ground, and not vice versa. And, secondly, because so many died during their sleep as the strike happened after midnight, it increased the number of victims greatly, as most testimonies corroborated.

During the visit to a medical point, one of the injured told the VDC team,

'We were home when we heard the sound of shelling, then neighbors began screaming and asking for help, and when we ran to them we found that the women had been on the ground, while the children were dying, and after I arrived their house I felt dizzy and began throwing up, then I crawled about a kilometer until one citizen helped me. This was in Zamalka; the smell was quite strong that I could not recognize it at all. It was a little bit like the smell of burning.'

He added, describing the symptoms he had due to the bombardment:

'My lips started shuddering and bloating, and my eyes began trembling too, then I became blinded. All the people were on the ground and screaming, and there were dozens of martyrs, popeyed with yellow faces and opened mouths. A whole family of our neighbors was fighting death, yet I could not save them. I tried to save some women, after they were screaming and asking for help, while the children were terribly shaking and falling one after the other.'

Then foam started coming out of my mouth so I immediately went back home, where I found my family had fainted. I could not drive my car in order to take them to the medical point; however, one citizen helped did so...'

First Aid & Evacuation

Once the news of the bombing of toxic substances spread, paramedics and volunteers from various towns and cities of Eastern Gota went to areas that were bombed for evacuation and help. They moved the injured to the medical points in Jisreen, Sakba, Harasta, Hamorieh, Mesraba, Kafarbatna, and Douma. Most of the paramedics got injured due to the lack of gas masks and protective suits during evacuation and assistance.

A paramedic in Khawlaani medical point said:

'while our team was saving people from houses, medics were forced to leave the martyrs in their homes and only bring out the living due to the large number of cases and to be able to save people. All the animals we came across during evacuation were dead in the streets.'

According to a paramedic from Irbeen medical point, in the houses many of the martyrs had not been moved out yet.

"Khaled AlBeik", one of the injured from Ein Tarma, who was hospitalized in Hamorieh medical point said:

'We were in the neighborhood at about one o'clock after midnight when we heard the sound of five rockets falling in "Ein Tarma", so we went to the place to help people there, but were surprised that there were dozens of citizens lying on the ground and in the streets. I went to look for my brother "Alaa", found him on the ground, with a white substance such as "foam" coming out of his mouth, so I tried to help him, then I lost consciousness and I do not know what happened later and do not know where my brother is and whether he died or not.'

Khaled, during his testimony, felt very thirsty, experienced “numbness” in the face and feet, and had severe shortness of breath.

The paramedic “Abu Sakhr” said:

‘At two o’clock after midnight, the regime’s forces shelled the area with mortars, specifically the first parts of Qusour neighborhood in the Ein Tarma behind the cemetery. During this time, a gas with a rotten smell spread quickly resulting in symptoms such as nausea, shortness of breath, and difficulty in vision that turned into a complete lack of vision. Some people fainted, became fully paralyzed, and suffered a severe headache. We hurried to help them; I helped nearly 370 persons to several medical points including Hamourieh, Irbeen, Sakba and Kafarbatna and Douma.’

Maher, an activist in Jobar’s Information office also says:

‘I was in Jobar at 2:30, when I learned that Ein Tarma was shelled with chemical weapons, so I headed there to cover the incident. On my way there, I started to have symptoms such as a shortness of breath and a blurred vision. When I arrived to the city, I found many of the injured lying on the roadside without help, and when I arrived at the field hospital, I found about 1000 injured. Doctors gave me an (atropine) injection so I began to improve. I also noticed that many of the doctors and paramedics got infected by the chemicals as a result of the lack of necessary equipment.’

One volunteer paramedic in Zamalka added:

‘...two rockets fell at the Telephone Exchange Building near the Municipality, and then we heard people shouting that it was a chemical attack. Few seconds later, several rockets fell at Al Tawfeeq Mosque

and two at the front. However, the mosque was the area where most of the rockets fell as all those we evacuated in that area had lost their lives, as if they could not distinguish a chemical bombardment and thus did not protect themselves. I have seen more than 60 dead bodies before I fainted and taken to the medical point.

Symptoms were: “foam” coming out of the mouth associated with blood, and bodies of the victims swelled very quickly, and there was bleeding from noses and mouths; the larger quantity was from the mouth. The sound of the rocket was like the sound of rocket launchers, and there was a smell of gas-like odor, or sulfur, but you do not feel the smell too much, then you lose consciousness. During my attempts to rescue people, I lost consciousness and people took me to the medical point. “

Not Enough Medicine & Not Enough Medical Teams

What is worth mentioning is that equipped hospitals in the towns of Eastern Gota are very few; while all the other medical points were founded as field hospitals at the beginning then they have been developed to become medical points for treating and hospitalizing. Almost all of these points have been established in unhealthy places, the only factor which could be taken into account is that they were in relatively safe areas.

Medical points have usually been cellars or empty halls divided manually by blankets and curtains and have a limited number of beds and basic medical equipment.

Yesterday, the hospitals and medical points were crowded with thousands of women, children, and men, where they laid on the floors of lobbies, hallways, and even on the roads in front of the entrances to those hospitals and points.

An executive worker in Khawlaani medical point said to VDC team:

'The first case infected with chemical gases arrived at two o'clock at night and peaked between three and six o'clock in the morning. We brought water tanks and we were putting off the clothes of the injured and washed them; we got about 1,000 injured. We did not have sufficient amount of (atropine) for all the people, and we were run out of oxygen, there was no electricity or diesel to run generators. We only gave injections to very difficult cases, while we just washed the rest with water.'

He continued:

'the (atropine) we had had already expired two months ago, yet we used it, and one veterinarian brought us (atropine) that is intended for the animals and we used it at very small dosages for treatment.'

According to the testimony of an administrator in "Ihsan" medical point in Hamourieh:

'In Hamourieh, a medical point has been established, as part of Ihsan medical point, because of the large number of casualties, where 450 injured were received, including about 200 children and 100 women. Many of them have not been given (atropine) due to the lack of it, and others were taken to other medical points due to the excessive overcrowding and the lack of materials and medical teams needed for their treatment.'

Zuhair Mobekher, the administrative officer at the documentation section in Irbeen medical point added:

'The bombardment took place in a populated area around 2 o'clock at night, as we had received injuries since that time. We were already been under a siege, and there was

a lack of medicines, especially atropine and we had a significant lack of oxygen, as it was prevented to take any to the besieged city.'

The VDC Team finished its visit among the medical points in Kafarbatna around 6:30 in the evening, when medical points were still receiving casualties. Some of the injured said that the reason for the delay in their treatment was that they had already gone to other medical points and were sent off but their condition worsened after they returned home. Others were either in a state of fear and disorder, could not find any one to help them, or expected to get better without treatment, so they were late in getting to the medical points.

Symptoms:

Testimonies of doctors and paramedics agree on a number of symptoms the injured and the victims suffered. Those symptoms can be summed up as follows:

Vomiting, foamy salivation, severe agitation, pinpoint pupils, redness of the eyes, dyspnea, neurological convulsions, respiratory and heart failure, blood out of the nose and mouth and, in some cases, hallucinations and memory loss.

One of the doctors in Irbeen's medical point said:

'Symptoms we have witnessed are of a nerve gas. The most important symptoms witnessed were neurological myeloid paroxysms, shortness of breath, respiratory and heart failure.'

It was only about half a minute when the symptoms occurred following the shelling. That's why many people couldn't move or escape and they immediately died. We

also witnessed neurological symptoms of cerebral origin.'

One of the strangest cases seen by VDC field monitoring team in Syria is that of a girl who has not recognized her mother and insisted that that woman was not her mother:

The mother said:

"Suddenly we heard the sound of a rocket, and then we heard people shouting that it was a chemical attack, and then we were asked to go to the top of building. While we were on the top of the building, another rocket landed that impacted everybody. Afterwards, I lost consciousness and lost all of my family, including my husband and my children, and then I woke up and found myself at this medical point. That is when my brother-in-law came and told me that my daughter was there, he went and brought her, and said that he did not know where the rest of the children were...."

But the girl who heard the talk, interrupted the mother saying that she was not hers. She kept swearing that the lady was not her mother and saying "my mother is called Samar Masri, but this woman is not my mom."

According to the doctor supervising the case, the girl's psychological condition will improve within two days.

Dead or Alive?

Five cases were reported among the dead, but the victims turned out to be in a coma, and not dead yet. VDC asked two general doctors about these cases.

The first doctor stressed the impossibility of such happenings, especially in the case of respiratory and heart failure.

The other doctor attributed the case to a mal-diagnosis: for some people might be in a case of shock and not dead, and they wake up later. This is unlike cases of death when some people get poisoned and die immediately.

Infection of Medical Teams & Paramedics:

None of the medical staffs and paramedics remained uninfected by the toxic substances due to the absence of gas masks or protective suits while evacuating and helping people.

For example, in Hamourieh, eight of the medical staff were infected in Khawlaani medical point. One of the administrators there said:

The medical team weakened and lost the ability to continue after two rounds of aiding due to the absence of masks, and then we had to use ordinary cotton masks wetted with the vinegar that the locals gave us, in an attempt to avoid infection as much as possible.

The paramedic Muhannad Afyooni, 23 years old, said:

'After the shelling, I went out to rescue people; I smelled a gas with a strong sulfur-like smell, and a foggy white color. Suddenly, a shiver hit me and I lost consciousness. Before I fainted, I saw 17 cases; most of them suffered convulsions, neurological disorders, vomiting, hallucinations, shortness of breath, and pinpoint pupils. Afterwards, I was hospitalized to the medical point in Douma.'

Women & Children

Unfortunately, most of the children who were exposed to toxic substances could not make it. They were either killed while sleeping in their beds at the moment of shelling, or died shortly after arriving to the medical points.

The women's suffering was doubled due to the lack of both space and private rooms for them to take off their contaminated cloths before washing them of toxic substances.

One paramedic in Hamourieh's Khawlaani medical point said:

We really suffered a lot dealing with women's cases as there was no room for them to take off their clothes as all places were busy and completely crowded, so we had to wash them with a lot of water.

A number of women and children killed due to the regime's shelling with chemical weapons.

Dead Bodies' Burial

Because the dead and injured were moved to different medical points in the towns and cities of Gota, many people could not find their children or their families quickly, especially since most of the martyrs were killed while sleeping and thus were taken out without any personal IDs or any clues about their personalities. Many unknown martyrs had to be buried before their families could identify them or bid them farewell because of the intense heat in August and the lack of electricity and refrigerators to preserve their bodies.

Mass graves were prepared in cemeteries to accommodate the largest number of martyrs possible, as happened in Zamalka, where the man responsible for the cemetery said:

'140 men and women died have been buried here; entire families, fathers, mothers and children, and they are all documented.'

'Graves were adjacent to each other due to the small space, so that one grave contained 15 dead women buried together.'

Families were scattered due to the panic that prevailed following the shelling, as well as in moving people to different medical points all over Eastern Gota. In each of the points the VDC team visited, there were parents inquiring about their children in order to know if they were still alive, which made them search all medical points.

Death Toll & Casualties

Currently, it is difficult to limit the final numbers of the martyrs and the injured. First, because of the large numbers of unidentified martyrs, and secondly because so many parents have taken out their injured children or received the bodies of their martyred children and buried them without any documentation.

Conclusion:

The hard thing was not the death, itself; it was the panic in people's eyes. Usually in such cases we ask for evacuation; however, there were hundreds of thousands of civilians in a besieged area; no evacuation was possible.

What was even harder than that is watching a three-month baby girl dying and not being able to help her. In Douma alone, 22 dead could've been saved, were the required medical supplies available one month ago. Unfortunately, we had to prioritize women over men as we had no other choice.

The high death toll was, mainly, due to the lack of hospitals and centers with required apparatus; the medical points there do not have the required apparatus to treat casualties of chemical weapons like chemical masks, in addition to the lack of specialized paramedics who are able to deal with such cases.


Western Gota has already been under a heavy siege for more than a year, which caused a severe lack of medical apparatus. Moreover, the medical staff couldn't protect themselves anymore, as they had no protective masks. Instead, they depended on usual masks and methods.

It is demanded that the UN-mandated investigation team meant to uncover the truth about the allegations about the use of chemical weapons in Syria go, immediately, to the areas hit by the regime. These areas are located only hundreds of meters from their residence and that's the least thing the international community can do to shoulder

a part of its responsibility with regard to the crimes that have been committed against the Syrian civilians for more than 30 months now.

Also, a ceaseless effort should be exerted to provide the 'liberated areas' with the required supplements of medicine and masks, and to open new medical points equipped with all the necessary apparatus to treat similar cases, in order to limit expected damages of the crime of chemical weapons.

(This report is based on the contributions by Syrian based rights group, the Human Rights Violations Documentation Center)



“... country like India, having a planned defence spending outlay of an estimated US 44 Billion for 2012, has no justification to let 44% of its population suffering from malnutrition ...”

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INTERVIEW: SYRIA

"US HAS MAJOR ROLE TO PLAY"

Few days after the alleged chemical weapons attack by the Syrian Government, which claimed the lives of over 1,400 civilians, Torture Magazine caught up with Mr. Bassam al Ahmad, spokesman for the Violations Documentation Center in Syria, to make sense of issues and perceptions on the ground. The following is an excerpt of the conversation:

Torture Magazine: The situation in Syria is bleak and many parties are urging for direct international intervention against the Syrian Government. I would like to have your take on the situation?

Bassam Ahmad: We think as Syrian people that regime forces are responsible for any international intervention in Syria, because they committed a lot of massacres. That will be a main reason for any intervention. Especially after using the chemical weapons against civilians in Ghouta in Damascus suburbs.

TM: Do you think there are possibilities of the present regime stepping down and declaring an election?

BA: No. Of course, no! We know our regime well. They will not leave and make any election. Not now. And not after 100 years.



Bassam al Ahmad, spokesperson for Violations Documentation Center

TM: According to media reports, the former US Secretary of State, Colin Powell, has urged Washington to stay away from the conflict in Syria and not take sides. Do you think the US has a major role to play in Syria?

BA: USA is the most influential country in the world. Even though they have not a clear role in Syria now, but we think they have a main role if there is any intervention in Syria.

TM: Do you think the US might have an ulterior motive for any possible involvement and what do you think it might be?

BA: Any country around the world has an ulterior motive regarding any issues they [are] involved in. I think Israel security is the first title in the US ulterior motive list.

TM: Recently, your report indicated the use of chemical weapons in certain areas. It is widely suspected that the government was responsible. Presently UN investigators are on site but the fact that the government did not allow them in for five days is suspicious. Do you think the government might be responsible?

BA: There is no doubt that the regime forces used it, because the area was shelled. It's a place for opposition and it is out of control of regime. This is the first thing. The second one is that this area has been under siege for more than a year, and they didn't have bread to eat. And we think if those people, I mean opposition, has this CW [chemical weapons], surely they would use it against the regime's army not against themselves.

TM: But, the General Command of the Army in Syria recently said that rebels' possession of chemical materials is clear-cut evidence of their use of chemical weapons. Meanwhile, the government news agency reports that the rebels used Sarin nerve gas. What can you share with us in this regard?

BA: Regime forces didn't have any evidence that the opposition fighters can make a CW. And, we are sure that all of their evidence are articulated false.

TM: The war in Syria is escalating and the country is now on the edge of long-term struggle. Meanwhile, opposition parties fighting against the regime are also accused of using torture and other inhuman acts to crackdown on their opponents. Nobody appears to be giving priority to the protection of civilians or the restoration of

peace in the country. As a leading human rights organisation in Syria, can you elaborate on this perception?

BA: As the VDC, we recently started to document the violations by other groups in Syria, such as FSA fighters or other groups, but the amount of violations committed by regime forces is much more than what the opposition parties are doing. That doesn't mean we accept this by opposition. We know that violations are violations. But the violations committed by regime forces are more systematic.

TM: Following the example of what we saw in Libya a couple of months ago, can Syria be rebuilt in a similar manner?

BA: It depends on the kind of intervention. If they are true, if there will be like real war, we think the situation it will be very bad. Till now, nobody knows if there will be international intervention or not, or what kind it will be.

TM: With the war, generations have lost everything. The country is facing a major setback. At the same time, hundred thousands are leaving the country. What do you feel is the role and responsibility of neighbouring countries and the international community?

BA: I think the main role should be for UN. I think Syrian people hope from the international community to transfer the Syrian issues to the ICC. Also Syrian people hope from the international community to stop this regime from committing more attacks against civilians.

LETTER: INDONESIA

Behind the “Neglected Genocide”

An Indonesian’s personal reflection on Papua

by A Special Correspondent

I just managed to find some breathing space breathe after several busy months full of work. One of the tasks which occupied me during these months was the writing of a report on the series of atrocities perpetrated by the Indonesian military against the Papuans in Central Highlands, Papua, during the year of 1977–1978.

The report is due to be released soon by the Asian Human Rights Commission (AHRC), in cooperation with the Human Rights and Peace for Papua (ICP).

It is based on interviews with surviving witnesses and victims. The interviews were conducted by a team from the AHRC, in 15 affected communities and villages in several regencies around the Central Highlands, Papua. The report is also supported by other reports and documentation literature written by historians, academics, human rights activists, and journalists.

The findings have been shocking. Interviews reveal that the military operation employed in the Central Highlands during this period resulted in the death of at least over 4,000 Papuans. These individuals only represent the number of victims whose name and

detail – such as sex, as well as method and location of killing – can be remembered by those alive today.

Other sources have it that, in total, the military operation caused the death of 11,000 people in Jayawijaya Regency alone. Given the method and equipment employed by the military against the Papuans at the time, the estimated number of casualties is very plausible. Various villages were subjected to strafing and aerial bombing by helicopters and US-supplied Bronco O-10 planes and indiscriminate shooting against the villagers was nothing uncommon.

It was just not the number of killed Papuans at that time that I personally found disturbing. While writing the report, I had to listen to unpleasant stories of the living witnesses on how the Indonesian military tortured and ill-treated them, their father, brothers, children, and neighbours.

I was particularly disturbed with the story narrated by a Reverend who witnessed abuses committed by military officers against women and elderly. The Reverend was only around eight or nine year old when he

MORNING STAR Monday December 10 1979

In 16 years of resistance to Indonesian rule up to 90,000 people have died West Papua's freedom war

West Papua, a former Dutch colony, is in revolt against its Indonesian colonisers. PETER TATCHELL reports.

WEST PAPUA was originally colonised by the Dutch. Though the rest of their East Indies empire became the independent state of Indonesia after the Second World War, the Dutch retained imperial control over West Papua despite Jakarta's claims to the territory.

Embarrassed by Indonesian propaganda which portrayed them as lingering colonialists, in August 1962, the Dutch signed an agreement in New York to hand over West Papua to Indonesia. This agreement included the proviso that there be a plebiscite—an act of free choice—before 1969, to allow the territory's population to determine its own future.

The West Papuans were neither consulted about this agreement, nor represented at the signing ceremony.

When the brief transitional period of United Nations administration ended in 1963, Indonesia took over, supposedly on an interim basis pending the plebiscite's verdict.

However, almost immediately, Jakarta launched a crash-programme of "Indonesianisation." The territory was renamed West

Though the United Nations observer, Ortiz-Sans, voiced misgivings over the plebiscite, the General Assembly accepted its verdict in November 1969.

Soon afterwards, Indonesia announced a general amnesty for West Papuan nationalists—ostensibly as a conciliatory gesture. But thousands who accepted this offer were secretly executed.

They included prominent politicians such as Penehas Torey and Martin Jelmaw, and village leaders like Perminas Awom, who together with 1,400 of his tribespeople, was massacred when he laid down his arms.

In 16 years of resistance to Jakarta's rule in West Irian, up to 90,000 people have died, and 50,000 others have been transported to detention camps in Java and Sumatra.

But despite this savage repression, nearly half the population is now living in semi-liberated areas ordinarily controlled by the Operasi Papua Merdeka (Free Papua Movement).

Co-operatives

Indonesian troops only rarely, and at considerable risk, venture into these remote areas

survey and mapping project with the Indonesian army, will assist Jakarta's efforts to destroy OPM base camps in the Papua New Guinea border area.

They also claim that Royal Australian Air Force helicopters on these combined mapping operations have joined with Indonesian planes in strafing pro-OPM villages.

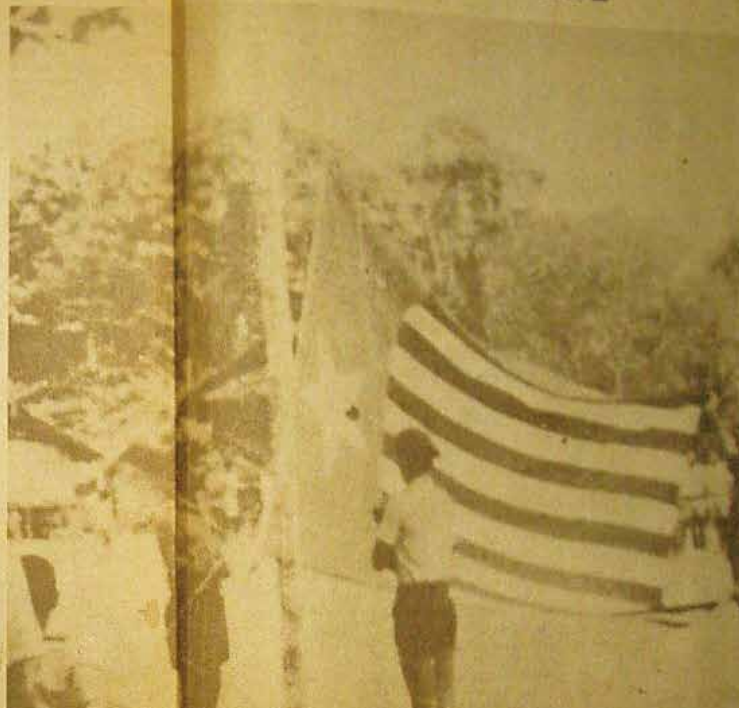
In revenge, the OPM launched attacks on Australian military personnel.

In recent years, the pipeline from the American-owned Freeport copper mine has been repeatedly blown up by OPM saboteurs. Telephone lines and oil supplies have been cut off, and access roads blocked.

The Indonesians have retaliated by imprisoning 200 West Papuan mine workers suspected of aiding the OPM, and rounding up 50 villagers from Tembagapura, locking them in metal crates, and throwing them into the sea to drown.

In May 1978, the OPM pulled off a major propaganda coup by luring nine senior Indonesian officials to a phoney surrender ceremony at Kapongtua. On their arrival, the entire entourage was taken hostage.

They were only released after



An article published in 1979 in Morning Star describing the human rights abuses perpetrated by the Indonesian government against the Papuans. The national media was silent on the matter.

witnessed military officers forcibly inserting batteries into a woman's vagina while her husband was severely beaten. He also saw with his own eyes how the elderly Papuans were forced to eat the faeces and drink the urine of the military officers.

Papuan women interviewed by the AHRC narrated their grief in losing their children, who were shot to death by the military. In some other cases, the children died due to starvation, malnutrition and diseases, as the military had deprived them from access to basic necessities. Missionaries who wanted to help the suffering Papuans were prevented from doing so and were labeled enemies of the state.

The interviews with victims and the literature available is enough to convince me that the series of atrocities in the Central Highlands during the late 1970s amount to genocide. I am aware that this is considered a bold or reckless conclusion. A friend assisting me with the editing of the report even asked the question 'why [are you] taking the difficult route of proving genocide'. The answer I could provide was simply that I could not pretend to be blind to the Indonesian government's genocidal intent in the case and how there have been issues of racism involved. It was indeed subtle and implicit, as there is no government's document which directly orders the killings of Papuans (or at least there is no such document available

to the public). Yet the government's deliberate choice to employ indiscriminate measures – with the knowledge that it will lead to devastating impact to the Papuan population – indicates the genocidal intent in the government's action. Jurisprudence of international tribunals is on my side on this matter.

Writing a report on such horrible events has been one of the most challenging tasks I have undertaken during my short working period with the AHRC. Yet, I am glad I had the opportunity to do it, as this has personally been an eye-opener for me. I did not really have any chance to work on human rights issues in Papua in previous jobs and, just as most Indonesians, was very ignorant on what had been happening in the province. I obtained this opportunity to learn about the history of Papua, its problematic 'integration' to Indonesia, and the series of abuses that had taken place only from writing and preparing the report. In this sense, I have been more privileged than most of my fellow citizens.

One thing I have learned: if there is anything brilliant consistently done by the Indonesian government, it is deceiving its own people and telling lies to the international community. The government has been playing the role of an Orwellian 'Ministry of Truth' rather well. When critics strongly charged the government regarding the use of bombs against Papuans during the 1977–1978, the then Commander of Kodam XVII Cendrawasih, Colonel Santosa, denied the accusation and claimed that only plastic bombs were used with 'little destructive effect'. His statement was in total contradiction to a leaked document of Kodam XVII Cendrawasih, which indicates that mortar bombs were used against the Papuans. The government has been deceitful, not only in delivering false statements but also in hiding facts that will

actually lead anyone to think that they have been colonising Papua, exactly as the Dutch did the Indonesians. Not once when I was a student had I been taught by my teachers or in my history books that massacres by the Indonesian military had taken place. During the research, I could hardly find any materials in Bahasa Indonesia, which describe, in an unbiased manner, the abuses that took place in Papua. The local media was silent; most of the references I found were from foreign media, articles, and books.

It has never been the AHRC's or my intention to stall Indonesia and the government from moving forward by talking about abuses that took place in the past. It has never been my intention to create disruption or instability in the country by raising the discussion on continuous human rights abuses in Papua. As an Indonesian citizen, I am surely benefited if the country is stable and peaceful. Yet, with the past and ongoing human rights abuses taking place in Papua, Indonesia *has never been* in a state of stability and peace anyway. We may live in comfort, yet it is quite another thing to leave in peace. The distorted information delivered to us that makes us fear losing peace when actually we cannot lose what we never had.

The aim of writing and releasing this report is simple: raising awareness and discussion amongst Indonesians on the dark abuses that have happened and are ongoing in Papua, with the hope that, one day, there will be a dialogue between Papua and Jakarta resulting in the well being of *both* parties.

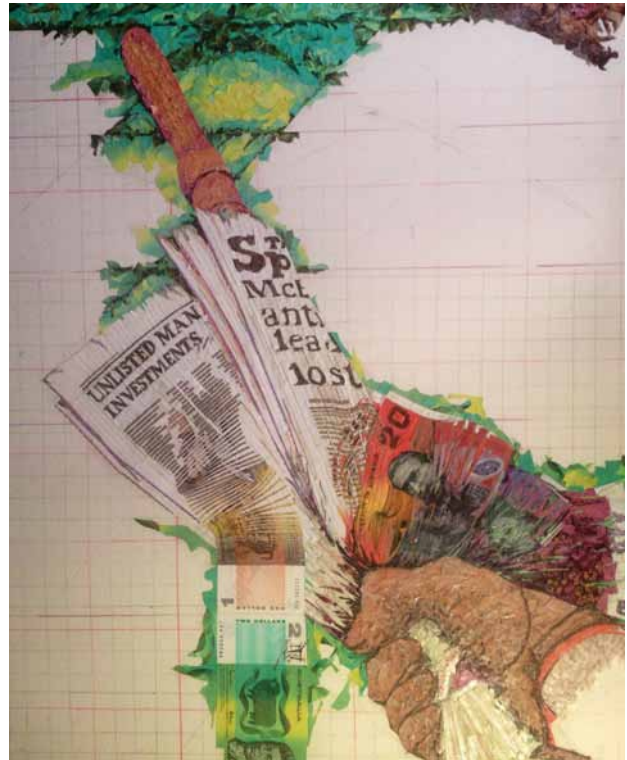
INTERVIEW: TORTURE AND ART

Picturing 'The Disappeared'

Nick Cheesman interviews Australian visual artist John Reid. Interview transcribed by Meredith McBride with technical editing and additional explanatory text by John Reid.



*Visual artist John Reid discusses his artwork, *Untitled (Collage of Australian banknotes) 1982 -*, with Nick Cheesman on the 6th June 2013 at the exhibition, *The Triangle*, 24 May – 29 June, 2013, Canberra Contemporary Art Space, Australia. The exhibition surveyed political art in Canberra over the last three decades. John Reid worked on the collage in the gallery for the duration of the exhibition. Photograph: Nick Cheesman.*



Left: Untitled (Collage of Australian banknotes) 1982 – (Detail) and associated studio production items installed in the gallery. Right: Australian banknotes collaged during The Triangle exhibition. Photographs: John Reid

Nick Cheesman: John, thank you very much for inviting us to talk about your work. What are we looking at here?

John Reid: Well, it's a collage. The work consists of cut paper that is applied to the surface with glue in order to compose an image that is still in the process of production. It depicts a human figure superimposed in multiple positions as if writhing from a form of brutal interrogation. The paper is cut Australian banknotes that I have earned. The surface is an acid-free museum board. The work actually consists of nine panels that make a 360.0 x 457.5 cm surface. In this exhibition only six of the panels are bolted together and mounted on the wall. The subject matter is political disappearances, or enforced disappearances. In the early 80's I had completed a major body of work

that investigated the visual qualities of the televised image and a lot of that material referenced the Vietnam War. Television played a big role in communicating the horrors of that conflict to the Australian people and did a lot to influence public opinion. I was faced with making a decision about what to do next. I was a member of Amnesty International then and I have been ever since. There have been periods when my membership has lapsed; but basically I have been very impressed with what Amnesty International does. They do fantastic work. The real heroines and heroes of that organization are the letter writers. I'm not a good letter writer so I thought, why don't I do something in which I have some expertise? A visual work about 'political disappearances' seemed to be the obvious answer. In 1981, Amnesty

launched a campaign to draw peoples' attention to political disappearances – an insidious form of repression, still exercised today, that involves secret detention, torture, murder and disposal of the body by agents of the State. The victim effectively vanishes. Usually, political disappearances are inflicted by governments to suppress popular opposition to exploitative economic policies. Then, in 1981, political disappearances were prevalent in Central and South America. I was influenced by Amnesty's publicity about it.

NC: Can I stop you there? What captured your imagination or caught your attention?

JR: I was aghast at the savagery of it, both in physical and psychological terms. I think there's a whole area of psychoanalysis that deals with that morbid curiosity we have with how badly we can treat each other; and the demarcation between pleasure and pain and how it influences behaviour. I've always been curious as to the extent to which people can mistreat each other – from my childhood trauma when I stumbled across images documenting the tortures of the Spanish Inquisition to knowledge of the atrocities of the Japanese Imperial Army towards their prisoners. And then of course what was enunciated in the pages of Amnesty International's journals. I knew that Amnesty had to take an editorial line that struck a balance between revealing to people the true horrors of what was going on, in relation to people whose only crime was to hold a different view to the government, and revealing too much of those horrors. Amnesty needed to reveal, I think, enough to motivate people to act and express their concerns in a tangible way, but not enough to alienate people so that they just want to step back because it is too traumatic to contemplate.

NC: so is that where your work comes in?

JR: Well, I think so. I face a similar issue with this work. Since I've recently begun work on this collage again, I've been re-reading a lot of the material I had collected in the past and it's gut wrenching stuff. And yet this image delivers, on account of the detail in the paper I'm working with – the subtle colours, the tones and intricate linear detail, a very visually engaging image. There's this tension between making something that's seductive to the eye, and using that to enunciate real horror. I guess am faced with the same dilemma. I want people to look at this work. I want people to spend time thinking about it. So I need to strike a balance between delivering authentic content but not to the point where people just turn away, go and think of something else.

NC: Are you trying to resolve that tension in some way?

JR: Well I'm not sure that I'm resolving it but I'm conscious of it, and to some extent, that determines what I do. I want to build-in some content that is shocking, I think, to most people. Aesthetics is about establishing beautiful relationships. So you can create something that is aesthetically engaging but the forms that are beautifully related could be quite horrendous. For example, when cameras were first taken to war in Crimea in the mid-nineteenth century, the photographs that came back were stunningly engaging in terms of the of visual forms composed in the picture but horrific in terms of the destruction of life and property they actually depicted. They are aesthetically powerful pictures but not pleasant. That's my brief with this work.

NC: Right

JR: So usually, in common, every-day speech, something aesthetically powerful

and pleasing we call beautiful. But you can also have something that's aesthetically powerful and horrific. I can't think of a word for that. The notion of the sublime goes close.

NC: So maybe you could talk about the content of what we see already and what you're thinking of developing.

JR: Yes, well, initially, I did go to Amnesty headquarters in London to try to get on the other side of their editorial line to find information that might have been self-censored from their publications. That wasn't as easy as it sounds. I went without any introduction and the office staff was suspicious of me. I did get access to their public library. It was well stocked. I got access to a lot of material.

NC: And did you feel you were crossing a line of some sort when you did that?

JR: In terms of my personal enlightenment, yes, but quite obviously not everything that was going on in the world made its way into publications intended for general public consumption. But the library was a rich source of information. The horror was palpable. I resolved that I wanted to start the collage with the depiction of a body undergoing interrogation. I can't draw but I thought my inability in that respect would probably serve well the rendering of a body that was physically abused. My incompetence as a drawer didn't deliver an engaging image at all. So I got into to a studio and assumed some positions that I imagined prisoners to be in while they're undergoing corporal interrogation and took photographs. I scaled outlines of those images onto the cardboard surface and I started the process of building up detail with cut fragments of banknotes. Australian banknotes are extremely colourful and detailed so it's possible with the 'palette' available in the various denominations to

construct a representational image. The one-dollar banknote is perfect for depicting the body.

NC: But I presume you didn't just look at the one-dollar note and think 'that's exactly what I'm after'.

JR: No. It's a process of having a basic visual image in mind and then looking at the various banknote denominations for colours and shapes to extract with scissors that, when pasted together, render the image that you envisage. Cutting and pasting in this way is quite repetitive but very suggestive of ideas. The picture developed, compositionally, from the activity of cutting and pasting. I used a Queen's ceremonial sash for a bandage. I literally wove it onto the head of the prisoner. I remember reading in a publication a description of prisoners who were kept in very confined cells – I think in a detention center in Bolivia. They were malnourished, they didn't have access to a good diet, and they had no exposure to sunlight. Their skin was described as looking like 'boiled chicken flesh'. That phrase stuck in my mind so when it came to rendering a hand of the prisoner I used sections of the queen's forehead and cheeks (probably one of the most pampered complexions in the western world) to render it as deprived of nourishment and sunlight. The erectile tissue of the nipples of the prisoner (neither explicit as male nor female) are shaped with the tensile hind legs of the kangaroo. So there is black humour, too, as a release for some nervous tension; or perhaps, to ultimately compound it.

NC: And there's a whole other story that you mentioned to me the other day of using the banknotes and the consequences for you. Could you maybe say something...

JR: When I started the work I suspected that

it might have been illegal to cut up circulating Australian currency to make a picture. But I wasn't keen to find out for sure. I just wanted to make a start on the picture, which I did. A couple of years down the track, the work was brought to the attention of the federal police and they deemed that what I was doing was illegal. So I had to get a handle on the legal issue.

As best I could ascertain there were two bodies of legal opinion - one was that it was illegal to deface notes under any circumstances, and the other one was that it's illegal to deface notes only if your intention is to defraud. Neither of these interpretations of the prevailing legislation had been tested in court. I was eventually charged by the police under Section 52(a) of the Reserve Bank Act, 1973, and so a court case was pending. Lawyers for both the prosecution and my defense knew that there was a new act, the Crimes (Currency) Act, 1981, which had already been passed by parliament but had not been proclaimed by the Governor General. When proclaimed, an outlet for me to legally continue with this work could open up. The plan was to stay both court proceedings and my work on the collage and make a submission under the new act when it was proclaimed.

I had a lot of support from the Director of Public Prosecutions, Ian Temby, who took over the proceedings from the police prosecutors. When the Crimes (Currency) Act, 1981, was proclaimed in 1986, Temby and I wrote submissions to the Treasurer, Paul Keating, seeking his consent for me to legally continue with the work. And that was how it resolved itself. I actually got a letter from Chris Hurford, as the Minister Assisting the Treasurer, giving me permission to proceed with the collage under the Act. So I'm a bonafide money cutter for the purpose of this work, and this work only.

The four-year legal dispute had a tremendous impact on the work, which was still embryonic, both in terms of its production and its exposure in the mass media. As far as production was concerned I never regained the initial momentum to complete the work. As you can see there is plenty of space for more collage. The work received a lot of mass media interest and journalists were also very cooperative. I didn't want to be interviewed by the media as a crazy artist cutting up banknotes to make a picture. I was keen for journalists to focus on the reason for doing this: to make the connection between the affluence enjoyed by the majority of people in this country and the extent to which that is made possible through the suffering of people elsewhere; and that the perpetration of political disappearances is intended to prevent people from protesting against their economic exploitation.

This thesis has been proposed by Noam Chomsky and Edward Herman in a twin volume treatise on the political economy of human rights in which they enunciate the relationship between trade, foreign aid, and economic exploitation - governments and their agencies, supported by western aid, repress their people in order for the affluent west to maintain exploitative trade relationships. It's really that concept that I wanted to convey visually and aesthetically.

Also, as a general proposition, if there is a conceptual relationship between your subject matter and your medium it can enhance the impact of the work. So the obvious choice for me, for undertaking a work dealing with political disappearances, was to use money as the medium.

Enforced disappearances are still prevalent today and especially so, I understand from recent discussions with Amnesty International, in Syria; and of course from

talking with yourself, and our colleagues at the ANU, that it's also happening in Southeast Asia.

NC: So do you think that work which you started... how many years has it been since you started?

JR: Well I started the work in 1982 so what's that? Thirty one years ago.

NC: Actually maybe I should back-up slightly and ask you, since the work attracted so much attention, why you put it to one side for an extended period?

JR: Well the legal dispute really took the wind out of my sails and made a big hole in my art material – my cash reserves – from paying legal fees. I initially had a vision that I would complete the work in five years. Ideally I would lay down my last dollar and compositionally resolve the work. By doing this I wanted to prick the conscience of my contemporaries in terms of the affluence that we enjoy – if we really want to, we can liberate considerable resources to help those who aren't as fortunate. I was under no delusion that by committing all my resources to the work that I would put myself at risk. There was no chance of my starving and I would still have a paid job. So it was really a gesture. But all of that was skewed by the protracted nature of the legal dispute. And of course during the four years when I undertook not to work on it, until the legal issues were resolved, I went off and started doing other artwork ... and so, when I got the green light to continue with the collage, it was difficult to get back into it.

There have been intermittent periods of production but this exhibition, in the Canberra Contemporary Arts Space, has provided an excellent opportunity for me

to re-engage with the work; and with the general public – I have done a lot of talking about political disappearances with people on the floor of the gallery. I'm hoping I will continue beyond the exhibition and finish this work before I die. If I don't finish it, it could stand as an 'unfinished opus' - there's a long tradition of that in the creative arts. To some extent the central idea has been stated. Although, I must say, I am inspired to keep working on it to make it more of a chronicle of our times by referencing iconic imagery depicting people who have really put their bodies on the line by standing-up for their beliefs.

I could also take a queue from Australian indigenous artists who work on rock walls. They do their thing then pass-on production to other generations. This collage could become an intergenerational piece. I could hand over the task of working on it to someone younger who was keen to continue ...

NC: And that would be a way to give it a new type of relevance. Looking at it now, it's certainly still relevant but it could carry on ...

JR: Yes, it could continue to visually and aesthetically address the story of the human struggle for social equity in a very poignant medium.

John Reid is visual artist, researcher and lecturer, School of Art, and Visiting Fellow, Fenner School of Environment and Society, Australian National University. He works in the media of photography, performance, and collage to address social change and the advancement of human rights.

Nick Cheesman is a Lecturer, Department of Political & Social Change, School of International, Political & Strategic Studies, Australian National University



Meredith McBride is Meredith McBride is an intern at the Asian Human Rights Commission. She holds dual degrees from the University of Nevada in Finance and Asian Studies with a minor in Economic Policy. She has previously studied at Shanghai University, PRC, and at Christ University in Bangalore, India, focusing on economics and human rights.



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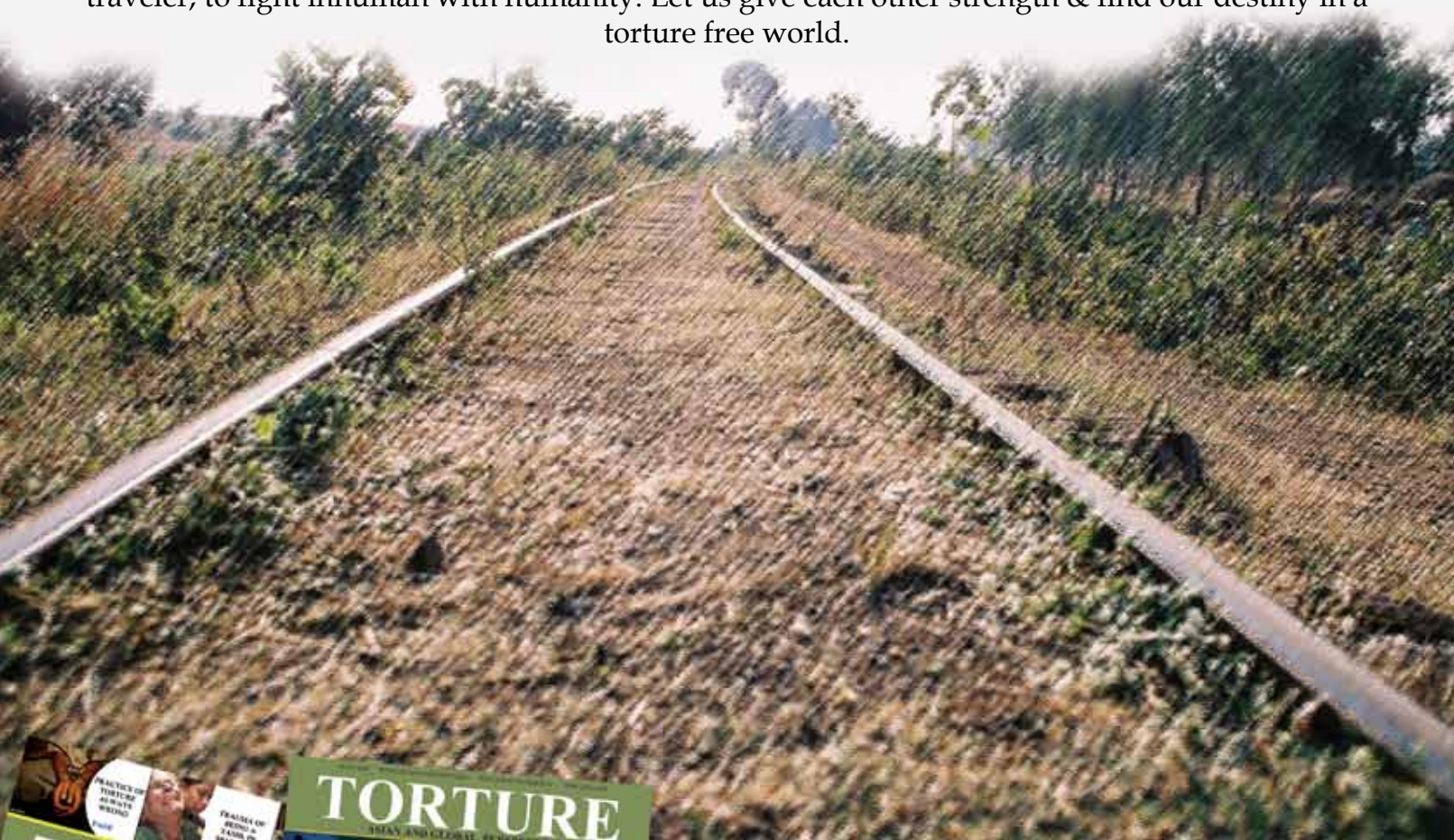


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Is unjust suffering and intentional infliction of injuries by those with power & authority an intrinsic part of human civilization? Can we say as human society we have really progressed when we continue to brutalize each other? Can anyone price the social and generational impact of torture on entire communities by state forces? Are we doing enough in our family, community, nation and beyond boundaries, to stop human beings from becoming victims of torture?

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BELIEVE IN ONE GOAL: TORTURE FREE SOCIETY

TORTURE

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The writing of *Another Life*

Dramatizing the US Torture Program

by Karen Malpede



REVIEWS: TORTURE AND CULTURE

On June 8, at Left Forum in New York City, David Brotherton, Fabiola Salek and Karen Malpede presented a panel entitled Torture and Culture. We had originally met at a conference on Performance and Justice at John Jay College of Criminal Justice. What follows are written records of the talks we gave.

Another Life is a work of fiction that incorporates facts about three significant torture stories. In particular: Ibn al-Sheykh Al Libi was picked up in Pakistan from bounty hunters (paid for) by the FBI, and interrogated legally before being rendered by the CIA to Egypt where he was tortured until he “confessed” one of the lies used to start the Iraq war, that Saddam Hussein and Osama bin Laden were allies. He died in prison. When captured, Abu Zubayduh was trumpeted by Donald Rumsfeld and others to be Osama Bin Laden’s “first lieutenant” Under torture Zubaydah made up a plot to blow up shopping malls throughout the U.S., sending the nation onto Orange alert. The extent of Abu Zubaydah’s torture is well-documented in the Red Cross Torture report leaked to the press in 2009; he is currently being held indefinitely in Guantanamo Bay detention camp although the US government no longer believes he was ever a member of Al-Qaeda. All along, there were questions about his mental state. Emad Khudayir Shahuth Al-Janabai’s testimony was taken by lawyer Susan Burke and journalist Donovan Webster as part of her efforts to sue private contracting firms on behalf of over 375 innocent Iraqis who were tortured in Abu Ghraib. The 9/11 stories in the play are fictional, but I worked on the September 11, 2001 Oral History and Memory Project at Columbia University, 2001-2003, recording testimonies from witnesses and survivors.

I knew I had to write a play about the United States torture program long before I knew how to write such a play. Years earlier, I had worked with Chilean torture survivors on a short theater piece, and also written a play about a Bosnian survivor of a rape camp. Both times, the struggle to find the theatrical container for overwhelming content was difficult. For many months as I read and researched my own nation’s invasions and torture program form and content eluded me. My office floor was littered with books, my table tops with testimonies. Darius Rejali was speaking in at the Open Society Institute in New York. I had read his 800 page Torture and Democracy. I went to his talk and told him afterwards of my struggle to make a play. Susan Burke the lawyer who was trying to sue the private contracting firm L-Cacci over their torture of innocent Iraqi’s in Abu Ghraib also spoke at OSI. Later, Susan would give me the testimonies she had taken. Both Rejali and Burke would become supporters of my as yet unwritten play and would take part in the Festival of Conscience talks we held after most performances. Jane Mayer’s The Dark Side was instructive. Still, I did not know how to turn what I was learning into a play.

Randomly, I picked up All That Fall by Samuel Beckett. A day or so later, the long opening monologue of Another Life began to take shape. The speaker, Handel, is alone in his rich Soho loft on the day of September 11, 2001. His trophy wife, Tess, a former high-class prostitute from Chechnya who has become an artist has gone to take photos. As the towers fall outside his windows, Handel retreats into memory. He is a self-made man, representative of the immigrant story so much a part of the mythos of the United

States. Both parents arrived as refugees. "Each escaping at the final moment by the last means of transportation, separated from luggage, small reserves of money stolen, alone, with no one, nothing, each fled from a hideousness never to be spoken of again in a language not to be passed on." His father is "a watchmaker, yes tinkerer with time, minute minutia, minutes, jerking, leaping..." His mother "a seamstress, sewer that is of seams that bind, a seer of strings, threads attached, undone." They raise their only son with barely time to look up from their endless work. Then, one day, Handel's mother rises from her work bench and flings herself out the window in front of her small son. Her suicide, indelible in Handel's memory, echoes the falling bodies unseen outside his window—one of whom will prove to be his daughter's fiancé.

Handel uses his considerable intelligence to become a millionaire, a mogul; the small boy at the mercy of historical forces beyond his control will grow up with an insatiable urge to control everyone and everything. And by the end of scene one, Handel has been transformed by the attacks. No longer the morose Beckettian memorializer, he is firmly in the present moment, so different from any other the American empire has known, determined to take revenge and profit from it. The sight of his wounded, distraught daughter, a physician, carried home in the arms of Abdul Ahmed Rahman, a livery cab driver, hearing her grief at the loss of her fiancé Geoff, and witnessing her on stage miscarriage, turns Handel rabid. He grabs Abdul by the throat: "We know who you are. We know what you did." He throws him to the floor, knees him in the groin, "The gloves are coming off." (An echo of Vice President Dick Cheney.) He wraps a towel around Abdul's neck, slams him into the wall, "You'll tell us what we want to know."

Handel will take advantage of the Global War Against Terror (GWOT) to found the private contracting firm Deepwater. Staging a fancy dinner in a midtown restaurant Handel will hire former FBI agent David Abbas to run his on-site interrogation team that works directly with "the highest office in the land." As Handel's power grows, so does his language assume the harsh, sexualized images of torture. Speaking of Al Libi, Handel asks: "What did this sick bastard know? Why else strap him down? Why risk ourselves, our sanity at stake? They hate our way of life. Slap his penis back and forth. Why suffer so? We are shat upon; we shit on others if we're wise. You wish for loftier thoughts. Smear menstrual blood upon his balls. Ask once more. Stick something up his rectum. He gives us what we need." And, David Abbas, tempted by the power and money Handel promises, will convince Lucia, bereaved beyond sense, to join his interrogation team as a physician. "You'll be with me so blood doesn't flow."

After this restaurant meeting, the play splits stylistically in half. Scenes in Handel's loft turn increasingly surreal as he becomes the megalomaniacal ruler of all he surveys, making Abdul into his slave and Tess his prisoner, chained and hooded, finally confined to a box for the crime of not loving him. Handel's grandiose verbosity contrasts with the clipped and gritty realism and urgent exchanges of scenes with David Abbas and Lucia who go from over-seeing torture of Abu Zubaydah at Bagram to meeting again in Baghdad where David turns a blind eye while Lucia, now working for the International Red Cross, uncovers the black site prison at Abu Ghraib. On the balcony of the Palestine Hotel in Baghdad the two parry in clipped and coded language over what to do. *Another Life* intentionally jolts the viewer back and forth between the paranoid homeland response to the 9/11



(*Another Life*: Christen Clifford as Tess, Abbas Noori Abbood as Abdul, and George Bartenieff as Handel; Photo by Beatriz Schiller)

attacks and the bitter reality of those on the ground who do the work of the war on terror, inflicting and also suffering the human consequences of a bad mission. (Far more returning veterans have killed themselves than have died in battle in our wars; these suicides continue to increase.) The stylistic and linguistic excesses are intended to wake and shock. The national lethargy, the collective will not to know, the belief that all is being done in our best national interests and to “keep us safe” needs to be shattered by a truth that often seems surreal due to its own excesses.

Another Life, the only American play to tell the story of the US torture program is about how the abrogation of human rights causes the disintegration of language (therefore, of thought) under the pressures of the turn to what is euphemistically called “enhanced interrogation”. Understanding this corruption of language by force was the key to my being able to write this play. The same sort of corruption came to operate in the economic sphere as well. The lack of monetary regulation that caused the Great Recession of 2008 is not unconnected to the “gloves off” foreign policy. Early in the play

Handel talks to his friend Alan Greenbridge (Alan Greenspan, then head of the Federal Reserve). A citizenry riled by patriotism, and controlled by fear, “they will troll in from every state; they will enlist and go,” is rife for economic exploitation, too. “Everyone wants houses now. Give them mortgages to pay, bundle up. Rate them “A”. Revenge is empty. Must be fed. Their fixed rates will fast unfix...”

Along with the dramatists of ancient Greece, I adhere to the prohibition against extreme violence on the stage. Torture in its full monstrosity is unrepresentable. The scene of the torture of Abu Zubayduh takes place outside the torture room. We hear his screams. When Lucia emerges, her white coat drenched in fresh blood, the actions that have just taken place inside that room are clear. If we wish to understand the effects of the willful destruction of a human being it is best to listen and imagine. It is hearing the testimony of the innocent Iraqi Al-Janabai taken by Susan Burke and used in *Another Life* that turns Lucia into a whistleblower: “The interrogator told me I have been sentenced to execution. The interrogator told me that if I cooperated my wife would be given a stipend after my execution. I said: I know nothing. I know nothing to say. I have done nothing.”

And Lucia, having heard the harrowing testimonies from Iraqis kept in a black site at Abu Ghraib will release these stories to the press. By becoming a whistleblower, she will put language back into the service of the truth: “What we did...what I did...what our government has done, is doing, was wrong, is wrong, that we are committing atrocities. Yes, that is my word...No, I do not believe that war and torture in any way have made us safer...No, I knew no other course to take. I did what I had to do.” *Another*

Life is also the story of the recovery of the language of the thinking heart in the service of freedom, even if that freedom exists only in the imagination. “Let me tell you a story,” says the imprisoned Egyptian cab driver to Tess, with whom he is falling in love. “What good are words in times like these,” she asks. “Words are of no use. Stories yes. Stories take us out,” Abdul replies. Abdul will construct a running version of a 1,001 Nights tale to keep them both sane as the strictures of their imprisonment worsen.

Language became my way in and my out of the stories I was hearing. The corruption of language and its redemption chart the arc of the play. *Another Life* is poetic because only poetry can contain such harrowing truth.

Among its manifold problems, the Global War on Terror creates a subset of cultural or aesthetic dilemmas, of which I tried to address two. First and foremost, the challenge becomes how to create empathy for those who have been cast outside the law—the “terrorists” or anyone resembling anyone who might be said to resemble anyone who might be angry at the United States, the UK or other allied nation states. “They hate our way of life,” and presumably will stop at nothing to destroy it. This is the problem of the men in Guantanamo, 86 of whom have been cleared for release after being found completely innocent. The poet Adnan Latif, who killed himself this year; the visual artist Djemal Amezine, self-taught, who paints in the style of Van Gogh, and has been in detention and legal limbo for the past twelve years. If only their stories could be told, might that make a difference? Abdul in the play stands for those innocents who must rely solely upon their imaginations during long periods of solitary confinement and indefinite detention, days and nights without hope.

A second aesthetic problem follows from the first. Can the artist penetrate the wall of denial erected by a culture too ashamed to face the crimes of its many wars, the crimes against humanity that have been perpetrated in its name? What, if any, are the aesthetic strategies powerful enough to break through the commitment to not knowing, especially when that commitment not-to-know seems central to perceived well-being.

About the first, do stories matter? Yes, I believe they do. Humanizing the other, reendowing personhood when and wherever it has been denied is a necessary task, redemptive in and of itself. There are human consequences, too, that can sometimes lend a certain luminosity to the work of art. The actor we found to play the livery cab driver Abdul is an Iraqi refugee from Sadr City. A permanent green card resident of the US, Abbas Noori Abboud brings Arabic language to the play, enriching his story-telling scene, and he brings his first-hand knowledge of the war he fled. When he acts the story of a man held wrongly in indefinite detention inside the mogul Handel's house and enters more deeply into this surreal nightmare, he is able to reveal both his personal and the historical truth. As the play continues, it is Abdul who, despite complete loss of freedom, and increasing humiliation, becomes ever more human by his compulsive story-telling and his sly resistance to Handel. So much so that Ramzi Kassem, lawyer for detainees, and another participant on our Festival of Conscience, comments that this surreal story brings home the injustice of Guantanamo more forcefully than documentary.

What about denial? This is an amazingly forceful psychological position, shielding the psyche from unpleasant knowledge, and feelings of shame or regret, and nearly impermeable by fact or fiction's truth. What if anything might crack the absolute

commitment to not knowing and so not caring about the crimes of war? This is a harder challenge, I think, than humanizing the Other. One strategy employed in *Another Life* is to show the moral decay and psychological cost of doing torture on the torturers themselves—the cost, that is, to the victors. David Abbas will never recover but become addicted to drink and sex (and, perhaps, a prime candidate for suicide once the play ends). Lucia is able to recover from her psychotic break only by becoming a whistleblower. To be sane, she must break the law and release the Red Cross Report to the press. The play ends with her testimony before Congress which echoes the words of Bradley Manning, John Kiriakou, Thomas Drake, Edward Snowden and others: “I did what I had to do.”

*“Insofar as we have become a nation
adverse to hearing and to telling
the stories of what we’ve witnessed
and what we have done, unable,
therefore, to understand the detainees
at Guantanamo, or the victims of
our drone attacks, and of our wars,
we have become a feelingless people,
incapable of redressing the wrongs of
our excesses.”*

Lucia also has her dream-life which does not lie, in the person of Geoff, a union organizer meeting with workers at Windows on the World when he is killed on 9/11. He reappears throughout the play as a spectral presence on the stage, always as the innocent—dead before the onslaught of the Global War on Terror, he has no idea what it means. He enters Lucia's broken world at the Bagram torture center but he doesn't understand—his appearance grounds her

and gives her the strength finally to act on what she knows.

Then, there is satire: the intentional ridicule of the language and actions of the makers of the war on terror. Handel, the mogul, is a conglomerate figure. He speaks the language of manipulation of people and of markets and in the tongue of torture. He ruins other people's lives without a thought. He imprisons his wife in a box. Abdul becomes his slave, David Abbas his pawn and his daughter becomes a physician at a torture site. He is full of self-pity and fraught with paranoia and the fear of death. He keeps the keys to his home fortress underneath his balls. Yet, "I am a man alone. For all that I have done and have I sit alone in a chair and stare at death" – and finally he dies, releasing everyone from his malignant hold. Then life can begin for the others. Tess and Abdul escape. Lucia blows the whistle on torture. Over time, as the actors moved into a deeper control of the layered language of the play, its satire began to show. The insanity of the GWOT, itself, became clear cause for its demolition by humor.

Among the untold casualties of the US commitment to endless war, has been the ability to feel. Feeling comes from storytelling. Insofar as we have become a nation adverse to hearing and to telling the stories of what we've witnessed and what we have done, unable, therefore, to understand the detainees at Guantanamo, or the victims of our drone attacks, and of our wars, we have become a feelingless people, incapable of redressing the wrongs of our excesses. Force feeding is another terrible example of our aversion to feeling: if a prisoner won't eat in a last desperate attempt to assert his will, strap him down, "a hose for your shit. Ensure plus down your throat," Handel says. Another Life is my attempt to address this massive problem of feelinglessness by allowing us

to hear the disintegration of the language in the service of torture and redemption of the word through principled resistance.

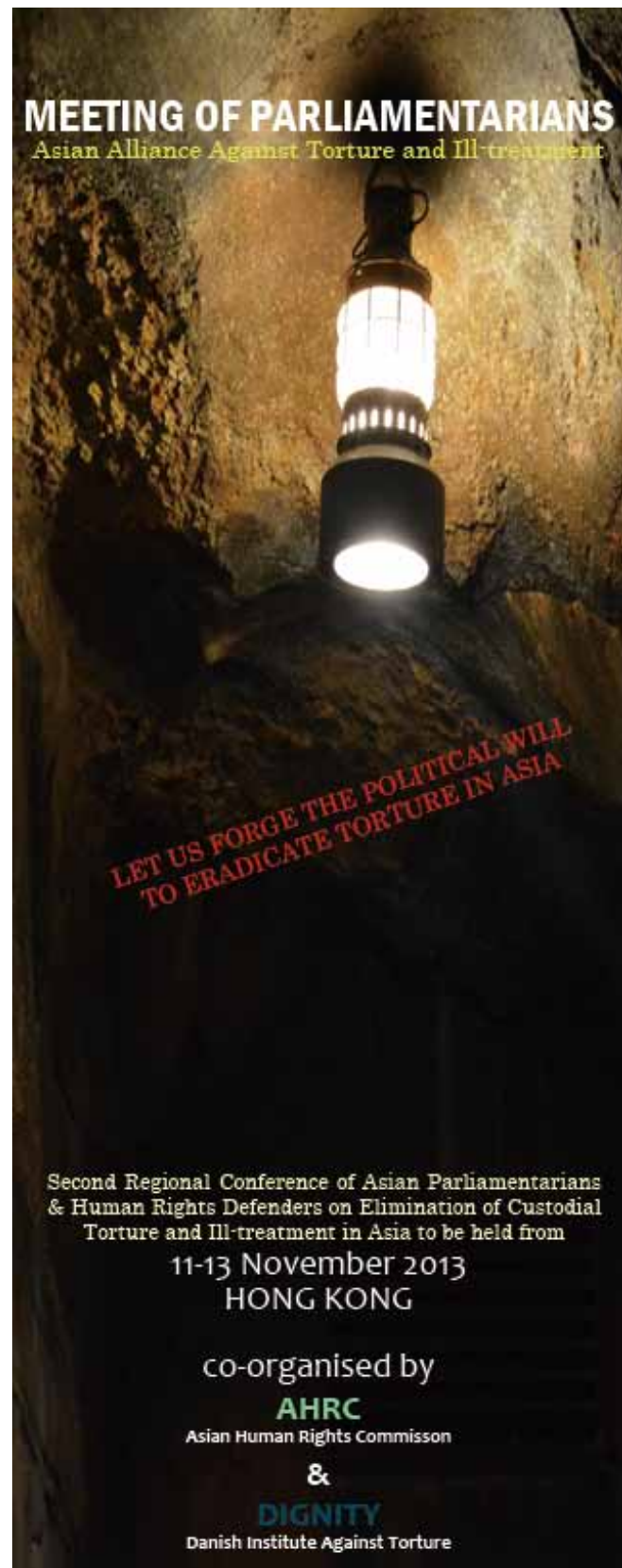
When we have performed *Another Life* in three productions in New York City, we have done so with an accompanying Festival of Conscience. At John Jay College's Art of Justice: 9/11 Performance Project where the play premiered, in a hastily rehearsed production, we began with a panel discussion by four lawyers representing Guantanamo detainees: Alexander Abdo, Jonathan Hefetz, Gitanjali Guitierrez and Martha Rayner.

Then, when we did the production for 13 performances at the Irondale Center in Brooklyn, NY, we hosted speakers every night, sometimes two or more. The writer Mark Danner to whom the Red Cross Report of interviews with "high value detainees" was leaked, spoke as did Darius Rejali, Pardiss Kabrieai from the Center for Constitutional Rights brought with her Tamer Mehana, brother of Tarek Mehana, currently serving a 17 year prison sentence in the super-maximum security prison in Colorado. His "crime" seems to be refusing to turn informant for the FBI. When we did a four-week run this past April at Theater for the New City, we had speakers many nights: David Swanson, antiwar activist and author; Michael Ratner, President Emeritus of the Center for Constitutional Rights, Jesselyn Radack of the Government Accountability Project and Thomas Drake, an NSA whistleblower, who like Edward Snowden, faced prosecution at the hands of the US government. These people brought their own stories and experiences to share with an audience whose hearts and minds had been opened by witnessing the story of the play. Often the post-play talkbacks lasted for an hour or more as audiences begged for information and for guidance about what to do, how to reclaim the soul of a democracy so

damaged by its turn to indefinite detention and torture.

It is the mission of our theater company, Theater Three Collaborative, which I co-founded in 1995 along with George Bartenieff and the late Lee Nagrin, to present poetic plays about pressing social issues. Our next work is my new play *Extreme Whether*, about the struggle of climate scientists in the US to tell the truth about global warming and climate change in the face of fossil fuel company paid lobbyists who deny reality, sow doubt about the science and sabotage the scientists to the detriment of life itself. Again, this play has been deemed unproduceable by several well-funded theaters — one of which told me that my portrayal of the fossil fuel lobbyists who regularly deceive, lie and sabotage, is “too evil” to be represented on their stage. And, yet, my characters do nothing that has not actually been done by actual lobbyists. Again, those who control our culture simply do not want to know of the excesses of that culture. *Extreme Whether* bears comparison to *Another Life* in my mind, though the plays are totally different in form and content, because it is the story of the torture of the planet, itself. Again, *Extreme Whether's* is a story demanding to be told.

(Karen Malpede is a New York based playwright and director. Her most recent work is, *Another life*, which is based on the US torture program.)



OPINION: TORTURE IN USA



Di Zhu as Lucia outside the Bagram torture room (A scene from the Another Life) : photo by Beatriz Schiller

What did they do?

by David C. Brotherton

I'm thinking about torture in the U.S.A. as if it were something un-American. Torture here is as American as apple pie as only a brief scan of the history books will attest.

Waterboarding, lynching, solitary confinement, electroshock therapy, Tuskegee experiments, slavery, runaway slave acts, Chinese Exclusion Acts, anti-Chinese pogroms, gaybashing, Rodney King, Abner

Louima, trail of tears, U.S. Mexican War, Operation Wetback..where does one stop? Its like talking about the U.S.A. and war, where does one stop? Or rather where does one begin?

Our lives have become so perverse, so absurd trying to fathom what is left of the dreams for democracy, the humanism and the freedoms we are supposed to enjoy and yearn. But to talk about something so evil and sordid as torture prompts us also to think of how good "we" are or, at least, can be, as the other side of the dialectic. To think of torture then is usually to think of an exceptional kind of behavior and set of conditions in which humans find themselves. As such it is usually to deny the levels of complicity so many people have with this most unhuman act and to deny the levels of enjoyment the torturer actually derives from the performance of power, humiliation and domination. It is hard to contemplate this dark side of humans and realize how common place it actually is and how ubiquitous it has become in this culture of cruelty. In my studies of and with street gangs I have often encountered the phenomenon of torture which I shall explain a little later and is the main point of this contribution.

But let me go back a bit in my own history and recount some of the first instances I encountered this uncomfortable and difficult phenomenon.

I first encountered torture, signs of torture and talk about torture as a young activist in London riding on a bus with another activist from Greece. It was 1974 and I'm on my way to a socialist convention with this unnamed comrade when I make small talk and just ask him how things are in the wake of the overthrow of the dictatorship. The comrade had been in the Athens polytechnic during the tumultuous conflict with the forces of

the Papadopolous dictatorship that finally proved the death knell to this bloody regime of terror that had been supported by the U.S. He replied that he was extraordinarily happy but he had been through a lot. "Many of us will live with the wounds for a long time," he said. I wasn't entirely sure what he was talking about and then he suddenly lifts up his trouser leg and points to the innumerable scars all around his calf and knee. "*Cigarette butts*," he says. "*They tortured me for days; I have them all over my body.*"

To be sure this revelation took me aback and I had difficult responding. I remember saying something to acknowledge his sacrifice and suffering for the cause but the memory never really left me. Not long after this experience I met another comrade in the movement while doing some reporting for a left-wing youth newspaper. I don't exactly remember the circumstances just that I found myself in a meeting sitting next to a tall guy with dark glasses and a slightly nervous twitch. The guy had been a soldier during the British occupation of Aden and had gone public with revelations of atrocities against the indigenous resistance. It wasn't these revelations alone which were so shocking but what had happened to the "whistleblower"? According to the ex-soldier he had been picked up one day in England by a unit of the British army and sequestered in an unknown location for several months, put in a sensory deprivation cell and interrogated endlessly about his experiences as a soldier. Finally, after an unknown period of time he was dumped on the streets of London and thereafter treated by the military as if he didn't exist. He said that the "torture" by his erstwhile army peers had left him with a debilitating nervous condition and partially blind. I can't remember all the details but just sitting next to this guy and talking to him about his day-to-day struggles left me thinking what next? This was 1974, a year

after the British Tory government had been brought down by the trade unions and a time when both British intelligence and the CIA felt that my country was under threat from the organized left! It was also a year after Pinochet had taken power in Chile, two years after Bloody Sunday in Belfast and to me at least it felt that the world was somehow finely balanced between those of us wanting to experience a socialist rebirth and these dark forces of counter-revolution who would stop at nothing including the ignominy of torture.

Thus, I was somewhat primed early on for what the so-called good guys could do to us in the name of order, civilization and progress. I was primed and readied for the socially constructed “others” in our midst who could be easily deemed security threats, terrorists, violent deviants, and dangerous others...I suppose inadvertently being readied for my encounter with the American street gang member.

Let's fast forward a few years. Some two decades after these experiences in my hometown London I find myself working with street gang members on both coasts of the U.S.A. as I make my way as a trained sociologist doing work on urban marginality and resistance. I began my research in San Francisco in the beginning of the 90s and worked with youth in predominantly Latino gangs, some of whom were mixed up in the street trade of crack. These were violent times and I saw a lot of young people go to prison or end their lives early due to drive by shootings, gang conflicts or AIDS. But as I witnessed this extraordinary level of suffering by some of the most formally powerless members of society I also witnessed an extraordinary upsurge in the range of laws and punishments designed to rid society of gang members and the gang.

Over the next few years what I saw was the state and its agents declare an internal war on the street gang as if it were some kind of alien invader that we had to purge and eradicate. There was no law too restrictive, no punishment too harsh, no environment too crushing that we could not resort to in order to rid this evil from our imaginary world of harmony and conformity. All the social causes behind the gang were removed from consideration, all we had to do was devise the most rational and scientific social control measures based on our vast police-based and conservative criminological knowledge and the battle would be won. RICO, Three Strikes, Anti-Street Terrorist, Anti-Gang Ordinances, Secure Communities...these are all the names of the various legal responses to the gangs which have been dreamed up by Congress and State legislatures over the last twenty years. It was as if in the absence of the Cold War we had the war against the internal other and it was called the street gang. As such the street gang becomes the plastic and malleable symbolic other that can be used for a variety of campaigns and moral panics by which society actually reasserts and reaffirms the status quo, i.e., the current highly unequal set of power relations which was so eloquently described by the Occupied Wall Street movement as the 1% versus the 99%.

Still what does all this have to do with torture?

Torture as you know comes with regimes and ideologies. It is not an act of sadistic individuals pure and simple but usually emerges (certainly in institutional contexts) after an extraordinary level of preparation, training, legal justifications, social agency, intention, enjoyment and complicity. In the act of torture you usually have the agent, the manual, the doctor, the legal rationale, the psychological aftermath, the treatment,

the memory, and the various narratives. All of these are present in the case of persons categorized as gang members who often have faced torture in their lives at the hands of the state. Here are a couple of examples taken from my research with gang members over the past decade or more. KS was a Latin King who had been in Attica for several years and Pedro was a "Rat Catcher" who had been in an unnamed prison in Upstate New York.

Me: You were in solitary?

KS: ...These officers were out to get me, the correctional system was out to get me, cuz I beat the system. They don't like that. They brought me up to the box again. They didn't feed me on time, my meals was cold, they gave me torture, they tortured me!

Me: What did they do?

KS: They used to give me beatings. They said, "We're gonna get you. We're gonna get you good."

Me: So, like two or three officers would come in?

KS: They come in, you don't see their faces. They wore hoods. Like Ku Klux Klan members. I took the beatings. It still goes on as we talk with hoods, masks, beating me down with hoses...

D: How was prison for you?

Pedro: The mindset with those guys is different. These guys are like, they are like out of a movie, like a clan, maybe. I see some of the guards with tatoos of black babies hanging off trees. And they are all big, like 6'3" and they'll break you up. They broke my ribs. Ask a medical doctor how difficult it is to break the ribs. Mine actually separated. That was because they beat me.

So what happened to West Side story? Where's Officer Krupke in these scenarios? Torture here is the end result of a process,

a process of coercive social control and social exclusion using various methods of the security state, now an enormous inter-agency network bound together by a dubious commitment to rid ourselves of the Other. The gang member, the terrorist, the criminal alien, the drug trafficker etc., members of the surplus class more generally, all those who have what Bauman calls "wasted lives". Sociologically it is about boundary setting in highly liquid and unstable times. The American Dream has become the American Nightmare for so many - two decades of neo-liberalism produces the inevitable results - intensive class warfare not seen since the twenties and thirties. Occupied Wall Street exposed these transformations and also the change in consciousness reaffirming the social fact that there is the 1% and then there's us. There was no "peace dividend" that I could detect after the end of the Cold War, no redistribution of wealth, no National Health Service, no expansion of the public sector (except in law enforcement and prisons) and no massive regeneration of our infrastructure, just more of the corporate same, the massive accumulation of private capital and the egregious hoarding of the surplus leading to an explosion of fictitious capital that both exploded and imploded.

While this is the real story and the quest for raw materials and markets worldwide, not much has changed in the relationship between monopoly capital and imperialism. Hence we need a massive distraction, a "panic" of constantly gargantuan proportions to enact and reproduce hegemonic relations - and so the gang member. But what happened to West Side Story?

Today the gang member faces an array of laws and prohibitions of staggering proportions but little in the way of meaningful prevention, intervention, empowerment or reintegration. In place of our quaint notion of "opportunity

structures" (the old blue print for Kennedy's war on poverty) we have: the RICO Act, local gang ordinances, sentence enhancements, restrictions of movement and employment post-inmate release and zero tolerance here and "mano dura" there, all with the aim of eradicating the gang member now positioned on the global street corner. In effect, our anti-gang measures have become a form of ideology now exported internationally as part of the global crime control industry.

This discovery of the gang member threat enables a shift in the "culture of punishment" which also includes torture and is easily complemented by the hyper-surveillance as seen through the National Security Agency revelations. We should be reminded that according to the FBI the number one organized crime group in the USA is the street gang Mara Salvatrucha, a product of Reagan's Cold War in Central America as tens of thousands of Central Americans were displaced with the youth struggling to find a foot hold in the inter-ethnic conflict zones of Los Angeles. Where do we see the legal hysteria most clearly displayed, championed and employed today? Not only is it in every facet of the Patriot Act but it is probably more widely enacted in the "Secure Communities" program which neatly envisions and justifies the U.S. state, particularly the humungous branch called Immigration and Customs Enforcement, busily deporting all those "criminal aliens" (roughly half of the 400,000 plus "aliens" deported each year are said to be "criminal" with purported gang members targeted under a sub program called Operation Community Shield) as we separate the good immigrant from the bad one. To grasp the vastness of the program, Secure Communities has grown from 14 jurisdictions in 2008 to over 3,000 today with many local police agencies working alongside ICE's 20,000 employees - making it the largest law enforcement agency in the United States

with a budget of \$6 billion annually! As we know, a lot can be done in the name of state security, especially when the Constitution only offers its protection to citizens, leaving the 4th Amendment on Unreasonable Search and Seizure as something discretionary. The New York Times recently pointed this out as news of a successful class action law suit against ICE was announced:

"In a series of raids in suburban New York in 2006 and 2007, agents of Immigration and Customs Enforcement burst into private homes in the dead of night, without warrants, looking for undocumented immigrants, often in the wrong houses. They pounded on doors, terrorized innocent residents, ineptly drew guns on police officers who were supposed to be their partners, and found hardly any of the gang members they were hunting. It was a stunning display of aggression and incompetence." (New York Times Editorial Board, April 8, 2013 "When ICE Ran Amok").

What do we make of all this?

The emergence and treatment of the gang member is intrinsically tied to the treatment of the poor and the disenfranchised. Gang members are symptoms, barometers of a social climate that is increasingly Hobbesian in outlook and exploitative in nature. Humiliation, confinement, social exclusion, stigmatization, segregation and finally torture are now common practices and no amount of paeans to human rights discourses and protocols can distract us from the social fact that every day in our prisons thousands of inmates are placed in dehumanizing isolation cells, beaten and psychologically maltreated due to their purported dangerous subcultural associations. The inmate hunger strikers in California, many of whom are protesting extraordinary levels of isolated detention for being gang members have

their reflection in the gang wars of Central America and the massacres of inmates in Honduras, Guatemala and El Salvador - these are the human or inhuman results of gang control policies based essentially on policies of social and ethnic cleansing.

Torture thus can be carried out against those who have something we want (as in terrorist knowledge) and/or against those who deserve it (i.e., the gang member cum terrorist). The latter is more commonly the case here in the U.S. as part of the vindictive practice of expunging the incorrigible, removing the social cancer as an exercise in raw power of the state. I argue this practice has a direct relationship to the counter-insurgency and militarized social control going on apace throughout our global society. Once again we may ask: what happened to West Side Story? Officer Krupke was replaced by Robocop, the Mobilization for Youth by Secure Communities, and municipal housing by Pelican Bay.

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CHAPTER VII 35. (1)
 While any person holds office as President, no proceedings shall be
 instituted or continued against him in any court or tribunal in respect
 of anything done or omitted to be done by him either in his
 official or private capacity.
 (THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST
 REPUBLIC OF SRI LANKA)



SRI LANKA

Executive Presidency is anti-democratic
 and it should be abolished

ESSAY: PHILOSOPHY FOR TORTURE PREVENTION

Consolation for Frustration



The Death of Seneca

by Alain de Botton

Alain De Botton, a well known philosopher, has sent us the following essay, on our request. He has examined human anger in the context of Western Philosophy. To describe human anger and its origin, he has focused on Seneca, a Roman Stoic philosopher, statesman, dramatist, and humorist of the Silver Age of Latin literature, who was a tutor and later advisor to Emperor Nero. – Editor

Thirteen years before painting the *Death of Socrates*, Jacques-Louis David attended to another ancient philosopher who met his end with extraordinary calm, amidst the hysterical tears of his friends and family.

The Death of Seneca, painted in 1773 by the twenty-five year old David, depicted the stoic philosopher's last moments in a villa outside Rome in April 65AD. A centurion had arrived at the house a few hours before with instructions from the Emperor that Seneca should take his own life forthwith. A conspiracy had been discovered to remove the twenty-eight year old Nero from the throne and the Emperor, maniacal and unbridled, was seeking indiscriminate revenge. Though there was no evidence to link Seneca to the conspiracy, though he had worked as the Imperial tutor for five years and as a loyal aide for a decade, Nero ordered his death for good measure. He had by this point already murdered his half brother Britannicus, his mother Agrippina, and his wife Octavia; he had disposed of a large number of senators and equestrians by feeding them to crocodiles and lions and had sung while Rome had burnt to the ground in the great fire of 64.

When they learned of Nero's command, Seneca's companions blanched and began to weep, but the philosopher, in the account provided by Tacitus and read by David, remained unperturbed, and strived to check their tears and revive their courage.

"Where had their philosophy gone, he asked, and that resolution against impending misfortunes which they had encouraged

in each other over so many years? 'Surely nobody was unaware that Nero was cruel!' he added, 'After murdering his mother and brother, it only remained for him to kill his teacher and tutor.'" (Tacitus, *The Annals of Imperial Rome*, XV62)

He turned to his wife Paulina, embraced her tenderly ("very different from his philosophical imperturbability" Tacitus XV63) and asked her to take consolation in his well-spent life. But she could not countenance an existence without him, and asked to be allowed to cut her veins in turn. Seneca did not deny her wish.

"I will not grudge your setting so fine an example. We can die with equal fortitude, though yours will be the nobler end." (Ibid, XV63)

But because the Emperor had no desire to increase his reputation for cruelty, when his guards noticed that Paulina had taken a knife to her veins, they seized it against her will and bandaged up her wrists.

Her husband's suicide began to falter. Blood did not flow fast enough from his aged body, even after he had cut the veins in his ankles and behind his knees. So in a self-conscious echo of the death in Athens four hundred and sixty four years previously, Seneca asked his doctor to prepare a cup of hemlock. He had long considered Socrates the exemplar of how one might, through philosophy, rise above external circumstance (and in a letter written a few years before Nero's command, had explained his admiration;

"He was much tried at home, whether we think of his wife, a woman of rough manners and shrewish tongue, or of the children...He lived either in time of war or under tyrants...but all these measures changed the soul of Socrates so little that they did not even change his features. What wonderful and rare distinction. He maintained this attitude up to the very end...amid all the disturbances of Fortune, he was undisturbed." E.CIV.29-8)

But Seneca's desire to follow the Athenian was in vain. He drank the hemlock but it had no effect. After two fruitless attempts, he finally asked to be placed in a vapour-bath, where he suffocated to death slowly, in torment but with equanimity, undisturbed by the disturbances of Fortune.

David's rococo version of the scene was not the first, nor the finest. Seneca appeared more like a reclining pasha than a dying philosopher. Paulina, thrusting her bared right breast forward, was dressed for grand Opera rather than Imperial Rome. Yet David's rendering of the moment fitted, however clumsily, into a lengthy history of admiration for the way the Roman had endured an appalling fate.

Though his wishes had come into sudden, extreme conflict with reality, he had not succumbed to ordinary frailties; reality's shocking demands had been met with dignity. Through his death, Seneca had helped to create an enduring association, together with other Stoic thinkers, between the very word 'philosophical' and a temperate, self-possessed approach to disaster. He had from the first conceived of philosophy as a discipline to assist human beings in overcoming conflicts between their wishes and reality. As Tacitus had reported, Seneca's response to his weeping companions had been to ask, as though the two were essentially one, where their *philosophy* had

gone, and where had their resolution against impending misfortunes gone?

Throughout his life, Seneca had faced and witnessed exceptional disasters. Earthquakes had shattered Pompeii; Rome and Lugdunum had burnt to the ground; the people of Rome and her Empire had been subjected to Nero, and before him Caligula, or, as Suetonius had more accurately termed him, "the Monster" (*Caligula*, IV,22), who had "on one occasion....cried angrily, 'I wish all you Romans had only one neck!'" (Suetonius, *Caligula*, IV.30)

Seneca had suffered personal losses too. He had trained for a career in politics, but in his early twenties, had succumbed to suspected tuberculosis, which had lasted six years and led to suicidal depression. His late entry into politics had coincided with Caligula's rise to power. Even after the Monster's murder in 41, his position had been precarious. A plot by the Empress Messalina had, through no fault of Seneca's, resulted in his disgrace and eight years of exile on the island of Corsica. When he had finally been recalled to Rome, it had been to take on against his will the most fateful job in the imperial administration - tutor to Agrippina's twelve year old son, Lucius Domitius Ahenobarbus, who would fifteen years later order him to kill himself in front of his wife and family.

Seneca knew why he had been able to withstand the anxieties.

"I owe my life to [philosophy], and that is the least of my obligations to it." E.78.3

His experiences had taught him a veritable dictionary of frustration, his intellect, a series of responses to them. Years of philosophy had prepared him for the catastrophic day Nero's centurions had struck at the villa door.

A Senecan Dictionary of Frustration

Introduction

Though the terrain of frustration may be vast - from a stubbed toe to an untimely death - at the heart of every frustration lies a basic structure: the collision of a wish with an unyielding reality.

The collisions begin in earliest infancy, with the discovery that the sources of our satisfaction lie beyond our control and that the world cannot reliably conform to our desires.

And yet for Seneca in so far as we can ever attain wisdom, it is by learning not to aggravate the world's obstinacy through our own responses, through spasms of rage, self-pity, anxiety, bitterness, self-righteousness and paranoia.

A single idea recurs throughout his work; that we best endure those frustrations which we have prepared ourselves for and understand, and are hurt most by those we least expected and cannot fathom. Philosophy must therefore reconcile us to the true dimensions of reality, and so spare us, if not frustration itself, then at least its panoply of pernicious accompanying emotions.

Her task is to prepare for our wishes the softest landing possible on the adamant wall of reality.

Anger

The ultimate infantile collision. We cannot find the remote control or the keys, the road is blocked, the restaurant is fully booked - and so we slam doors, deracinate plants, weep and curse.

1. The philosopher held it to be a kind of madness.

"There is no swifter way to insanity. Many [angry people]... call down death on their children, poverty on themselves, ruin on their home, denying that they are angry, just as the mad deny their insanity. Enemies to their closest friends...heedless of the law..., they do everything by force... The greatest of ills has seized them, one that surpasses all other vices." (Ira, II,36,5-6)

2. In calmer moments, the angry may apologise and explain that they were overwhelmed by a power stronger than themselves, that is, stronger than their reason. "They", their rational selves, did not mean the insults and regret the shouting; "they" lost control to darker forces within. The angry hereby appeal to a predominant view of the mind in which the reasoning faculty, the seat of the true self, is depicted as occasionally assaulted by passionate feelings, which reason neither identifies with nor can be held responsible for.

The account ran directly counter to Seneca's view of the mind; according to which anger resulted not from an uncontrollable eruption of the passions, but from a basic (and correctible) error of reasoning. Reason did not always govern our actions, he conceded: if we were sprinkled with cold water, our body gave us no choice but to shiver; if fingers were flicked over our eyes, we had to blink. But anger did not belong in the category of involuntary physical movement, it could only break out on the back of certain rationally-held *ideas*; if we could only change the ideas, we would change our propensity to anger.

3. And in the Senecan view, what makes us angry are dangerously optimistic ideas

about what the world and other people are like.

4. How badly we react to frustration is critically determined by what we think of as normal. We may be frustrated that it is raining, but our familiarity with showers means we are unlikely ever to respond to one with anger. Our frustrations are tempered by what we understand we can expect from the world, by our experience of what it is normal to hope for. We aren't overwhelmed by anger whenever we are denied an object we desire, only when we believe ourselves entitled to obtain it. Our greatest furies spring from events which violate our sense of the ground-rules of existence.
5. With money, one could have expected to lead a very comfortable life in Ancient Rome. Many of Seneca's friends had large houses in the capital and villas in the countryside. There were baths, colonnaded gardens, fountains, mosaics, frescoes and gilded couches. There were retinues of slaves to prepare the food, look after the children and tend the garden.
6. Nevertheless, there seemed an unusual level of rage among the privileged. "Prosperity fosters bad tempers" (Ira, II.21.7) wrote Seneca, after observing his wealthy friends ranting around him because life had not turned out as they had hoped.

Seneca knew of a wealthy man, Vedius Pollio, a friend of the Emperor Augustus, whose slave once dropped a tray of crystal glasses during a party. Vedius hated the sound of breaking glass and grew so furious that he ordered the slave to be thrown into a pool of lampreys.

7. Such rages are never beyond explanation. Vedius Pollio was angry for an identifiable reason: because he believed in a world in which glasses do not get broken at parties. We shout when we can't find the remote control because of an implicit belief in a world in which remote controls do not get mislaid. Rage is caused by a conviction, almost comic in its optimistic origins (however tragic in its effects), that a given frustration has not been written into the contract of life.

8. We should be more careful. Seneca tried to adjust the scale of our expectations so that we would not bellow so loudly when these were dashed.

When dinner comes a few minutes late

"What need is there to kick the table over? To smash the goblets? To bang yourself against columns?" (Ira, I, 19, 4)

When there's a buzzing sound

"Why should a fly infuriate you which no one has taken enough trouble to drive off, or a dog which gets in your way, or a key dropped by a careless servant?" (Ira, II, 25, 3)

When something disturbs the calm of the dining room

"Why go and fetch the whip in the middle of dinner, just because the slaves are talking?" (Ira, III, 35, 2)

We must reconcile ourselves to the necessary imperfectability of existence.

"Is it surprising that the wicked should do wicked deeds, or unprecedented that your enemy should harm or your friend annoy you, that your son should fall into error or your servant misbehave?" (Ira II.31.4)

We will cease to be so angry once we cease to be so hopeful.

Shock

An aeroplane belonging to the Swiss national airline carrying two hundred and twenty nine people takes off on a scheduled flight from New York to Geneva. Fifty minutes out of Kennedy airport, as the stewardesses roll their trolleys down the aisles of the McDonald Douglas MD-11, the captain reports smoke in the cockpit. Ten minutes later, the plane disappears off the radar. The gigantic machine, each of its wings fifty-two metres long, crashes into the placid seas off Halifax, Nova Scotia killing all on board. Rescue workers speak of the difficulty of identifying what were, only hours before, humans with lives and plans. Briefcases are found floating in the sea.

- a) intact Swissair plane
- b) wreckage of plane

1. If we do not dwell on the risk of sudden disaster and pay a price for our innocence, it is because reality comprises two cruelly confusing characteristics: on the one hand, continuity and reliability lasting across generations, on the other, unheralded cataclysms. We find ourselves divided between a plausible invitation to assume that tomorrow will be much like today, and the possibility that we will meet with an appalling event after which nothing will ever be the same again. It is because we have such powerful incentives to neglect the latter that Seneca invoked a goddess.
2. She was to be found on the back of many Roman coins, holding a cornucopia in one hand and a rudder in the other. She was beautiful and usually wore a light tunic

and a coy smile. Her name was Fortune. She had originated as a fertility goddess, the first-born of Jupiter, with a festival on the 25th of May and temples throughout Italy, visited by the barren and farmers in search of rain. But gradually her remit had widened, she had become associated with money, advancement, love, and health. The cornucopia was a symbol of her power to bestow favours, the rudder a symbol of her more sinister power to change destinies. She could scatter gifts, then with terrifying speed shift the rudder's course, maintaining an imperturbable smile as she watched us choke to death on a fishbone or disappear in a landslide.

3. Because we are hurt most by what we do not expect, and because we must expect everything ("There is nothing which Fortune does not dare." E.XCI.15), we must, argued Seneca, hold the possibility of disaster in mind at all times. No one should undertake a journey by car, or walk down the stairs or say goodbye to a friend without an awareness, which Seneca would have wished to be neither gruesome nor unnecessarily dramatic, of fatal possibilities.

"Nothing ought to be unexpected by us. Our minds should be sent forward in advance to meet all the problems, and we should consider, not what is wont to happen, but what can happen." Epistle XCI, 4

4. For evidence of how little is needed for all to come to naught, we have only to hold up our wrists and study for a moment the pulses of blood through our fragile, greenish veins.

"What is man? A vessel that the slightest shaking, the slightest toss will break... A body weak and fragile, naked, in its natural state

defenceless, dependent upon another's help and exposed to all the affronts of Fortune." (Marcia XI,3)

5. Lugdunum had been one of the most prosperous Roman settlements in Gaul. At the junction of the Arar and Rhone rivers, it enjoyed a privileged position as a cross-roads of trade and military routes. The city contained elegant baths and theatres and the government mint. Then in August 64 a spark slipped out of hand and grew into a fire that spread through the narrow streets, terrified inhabitants levering themselves from windows at its approach. Flames licked from house to house and by the time the sun had arisen, the whole of Lugdunum, from suburb to market, from temple to baths, had burnt to cinders. The survivors were left destitute in only the soot-covered clothes they stood in, their noble buildings roasted beyond recognition. The blaze was so rapid it took longer for news of the disaster to reach Rome than for the city to burn.

"You say: 'I did not think it would happen.' Do you think there is anything that will not happen, when you know that it is possible to happen, when you see that it has already happened...?" (Marcia IX,5)

6. On the Fifth of February 62, similar disaster struck the province of Campania. The earth trembled and large sections of Pompeii collapsed in seconds. In the months that followed, many inhabitants decided to leave Campania for other parts of the peninsula. Their move suggested to Seneca that there was somewhere on earth, in Liguria or Calabria, where they might be wholly safe, out of reach of Fortune's will. To which he replied with an argument, persuasive in spite of its geological dubiousness:

"Who promises them better foundations for this or that soil to stand on? All places have the same conditions and if they have not yet had an earthquake, they can none the less have quakes. Perhaps tonight or before tonight, today will split open the spot where you stand securely. How do you know whether conditions will henceforth be better in those places against which Fortune has already exhausted her strength or in those places which are supported on their own ruins? We are mistaken if we believe any part of the world is exempt and safe... Nature has not created anything in such a way that it is immobile." (N.Q. VI.I.11-12)

7. At the time of Caligula's accession to the throne, away from high politics in a household in Rome, a mother lost her son. Metilius had been short of his twenty-fifth birthday and a young man of exceptional promise. He had been close to his mother Marcia, and his death devastated her. Marcia withdrew from social life and sank into mourning. Her friends watched with compassion, and hoped for a day when she would regain a measure of composure. She didn't. A year passed, then another and a third, and still Marcia came no closer to overcoming her grief. After three years, she was as tearful as she had been on the very day of his funeral. Seneca sent her a letter. He expressed enormous sympathies, but gently continued, "the question at issue between us [is] whether grief ought to be *deep* or *never-ending*." (Marcia, IV.1)

Marcia was rebelling against what seemed like an occurrence at once dreadful and rare - and all the more dreadful because it was rare. Around her were mothers who still had their sons, young men beginning their careers, serving in the army or entering politics. Why had hers been taken from her?

8. The death was unusual and terrible, but it was not - Seneca ventured - abnormal. If Marcia looked beyond a restricted circle, she would come upon a woefully long list of sons whom Fortune had killed. Octavia had lost her son, Livia had lost her son, Cornelia had lost her son, so had Xenophon, Paulus, Lucius Bibulus, Lucius Sulla, Augustus, Cornelia and Scipio. By averting her gaze from early deaths, Marcia had, understandably but perilously, denied them a place in her conception of the normal.

"We never anticipate evils before they actually arrive... So many funerals pass our doors, yet we never dwell on death. So many deaths are untimely, yet we make plans for our own infants: how they will don the toga, serve in the army, and succeed to their father's property." (Marcia, IX, 1-2)

The children might live, but how ingenuous to believe that they were guaranteed to survive to maturity, even to dinner-time.

"No promise has been given you for this night - no, I have suggested too long a respite - no promise has been given even for this hour." (Marcia, X, 4)

There is dangerous innocence in the expectation of a future formed on the basis of probability. Any accident to which a human has been subject, however rare, however distant in time, is a possibility we must ready ourselves for.

9. Because Fortune's long benevolent periods risk seducing us into somnolence, Seneca entreated us to spare a little time each day to think of her. We do not know what will happen next: we must expect something. In the early morning, we should undertake what Seneca termed a *praemeditatio*, a meditation in advance

on all the sorrows of mind and body to which the goddess may subsequently subject us.

A Senecan Praemeditatio:

[The wise] will start each day with the thought... (Ira, II, 10, 7)

Fortune gives us nothing which we can really own. (E. LXXII, 7)

Nothing, whether public or private, is stable; the destinies of men, no less than those of cities, are in a whirl. (E. XCI, 7)

Whatever structure has been reared by a long sequence of years, at the cost of great toil and through the great kindness of the gods, is scattered and dispersed in a single day. No, he who has said 'a day' has granted too long a postponement to swift misfortune; an hour, an instant of time, suffices for the overthrow of empires. (E. XCII, 6)

How often have cities in Asia, how often in Achaia, been laid low by a single shock of earthquake. How many towns in Syria, how many in Macedonia, have been swallowed up. How often has this kind of devastation laid Cyprus in ruins. (E. XCI, 9)

We live in the middle of things which have all been destined to die. (E. XCI, 12)

Mortal have you been born, to mortals have you given birth. (Marcia, XI, 1)

Reckon on everything, expect everything. (Ira, II, 31, 4)

10. The same could naturally have been conveyed in other ways. In more sober philosophical language, one could say that a subject's agency is only one of the causal factors determining events in the

course of his or her life. Seneca resorted instead to continual hyperbole.

"Whenever anyone falls at your side or behind you, cry out: 'Fortune, you will not deceive me, you will not fall upon me confident and heedless. I know what you are planning. It is true that you struck someone else, but you aimed at me.'" (Marcia IX,3)

(The original ends with a final, more rousing alliteration.

"Quotiens aliquis ad latus aut pone tergum ceciderit, exclama: 'Non decipies me, fortuna, nec securum aut neglegentem opprimes. Scio quid pares; alium quidem percussisti, sed me petisti.'")

11. If most philosophers feel no need to write like this, it is because they trust that, so long as an argument is logical, the style in which it is presented to the reader will not determine its effectiveness. Seneca believed in a different picture of the mind. Arguments are like eels: however logical, they may slip from the mind's weak grasp unless fixed there by imagery and style. We need metaphors to derive a sense of what cannot be seen or touched, or else we will forget.

The goddess of Fortune, in spite of her unphilosophical, religious roots, was the perfect image to keep our exposure to accident continually within our minds, conflating a range of threats to our security into one ghastly anthropomorphic enemy.

Sense of Injustice

A feeling that the rules of justice have been violated, rules which dictate that if we are honourable, we will be rewarded, and that if we are bad, we will be punished - a sense of justice inculcated in the earliest

education of children, and found in most religious texts, for example, in the book of Deuteronomy, which explains that the godly person

"shall be like a tree planted by the rivers of water... and whatsoever he doeth shall prosper. The ungodly are not so: but are like chaff which the wind driveth away."

**goodness-----> Reward
evil-----> Punishment**

In cases where one acts correctly but still suffers disaster, one is left bewildered and unable to fit the event into a scheme of justice. The world seems absurd. One alternates between a feeling that one may after all have been bad and this is why one was punished, and the feeling that one truly was not bad and therefore must have fallen victim to a catastrophic failure in the administration of justice. The continuing belief that the world is fundamentally just is implied in the very complaint that there has been an injustice.

1. Justice was not an ideology that had helped Marcia.
2. It had forced her to oscillate between a debilitating feeling that her son Metilius had been taken away from her because she was bad, and at other moments, a feeling of outrage with the world that Metilius had died given that she had always been essentially good.
3. But we cannot always explain our destiny by referring to our moral worth; we may be cursed and blessed without justice behind either. Not everything which happens to us occurs with reference to something *about* us.

Metilius hadn't died because his mother was bad, nor was the world unfair because his mother was good and yet he had died. His death was, in Seneca's image, the work of Fortune, and the goddess was no moral judge. She did not evaluate her victims like the god of Deuteronomy and reward them according to merit. She inflicted harm with the moral blindness of a hurricane.

4. Seneca knew in himself the sapping impulse to interpret his failures according to a misguided model of justice. Upon the accession of Claudius in early 41, he became a pawn in a plan by the Empress Messalina to rid herself of Caligula's sister, Julia Livilla. The Empress accused Julia of having an adulterous affair and falsely named Seneca as her lover. He was in an instant stripped of family, money, friends, reputation and his political career, and sent into exile on the island of Corsica, one of the most desolate parts of Rome's vast Empire.

There would have been periods of vicious self-blame alternating with feelings of bitterness. There would have been reproaches for misreading the political situation with Messalina, followed by anger for the way his loyalty and talents had been rewarded by Claudius.

Both moods were based on a picture of a moral universe where external circumstances reflected internal qualities. It was a relief from this punitive schema to remember Fortune.

"I do not allow [Fortune] to pass sentence upon myself." (E.XIV,16)

Seneca's political failure did not have to be read as retribution for sins, it was no rational punishment meted out after examination of the evidence by an all-seeing Providence in a

divine courtroom; it was a cruel, but morally meaningless byproduct of the machinations of a rancorous goddess. Seneca was not only distancing himself from disgrace. The imperial official he had been had not deserved all the credit for his status either. The interventions of Fortune, whether they were kindly or diabolical, introduced a random element into human destinies.

Anxiety

A condition of agitation about an uncertain situation which one both wishes will turn out for the best and fears may turn out for the worst. Typically leaves sufferers unable to derive enjoyment from supposedly pleasurable activities, cultural, sexual or social.

Even in sublime settings, the anxious will remain preoccupied by private anticipations of ruin, and may prefer to be left alone in a room.

1. The traditional form of comfort is reassurance. One explains to the anxious that their fears are exaggerated, and that events are sure to unfold in a desired direction.
2. But reassurance can be the cruelest antidote to anxiety. Our rosy predictions both leave the anxious unprepared for the worst, and unwittingly imply that it would be disastrous if the worst came to pass. Seneca more wisely asked us to consider that bad things probably would occur, but added that they were unlikely ever to be as bad as we feared.
3. In February 63, Seneca's friend Lucilius, a civil servant working in Sicily, learned of a lawsuit against him which threatened to end his career and disgrace his name forever. He wrote to Seneca.

"You may expect that I will advise you to picture a happy outcome, and to rest in the allurements of hope," replied the philosopher (E.XXIV,1), but "I am going to conduct you to peace of mind through another route" - which culminated in the advice,

"If you wish to put off all worry, assume that what you fear *may* happen is certainly *going* to happen." (E.XXIV.1-2)

Seneca wagered that once we look rationally at what will occur if our desires are not fulfilled, we will almost certainly find that the underlying problems are more modest than the anxieties they have bred. Lucilius had grounds for sadness, but not hysteria.

"If you lose this case, can anything more severe happen to you than being sent into exile or led to prison? (E.XXIV,3) 'I may become a poor man'; I shall then be one among many. 'I may be exiled'; I shall then regard myself as though I had been born in the place to which I'll be sent. 'They may put me in chains.' What then? Am I free from bonds now?" (E.XXIV,17)

Prison and exile were bad, but - the linchpin of the argument - not as bad as the desperate Lucilius might have feared before scrutinising the anxiety.

6. It follows that wealthy individuals fearing the loss of their fortune should never be reassured with remarks about the improbability of their ruin. They should spend a few days in a draughty room on a diet of thin soup and stale bread. Seneca had taken the counsel from one of his favourite philosophers.

"The great hedonist teacher Epicurus used to observe certain periods during which he would be niggardly in satisfying hunger, with the object of seeing...whether it was

worth going to much trouble to make the deficit good." (E.XVIII.9)

The wealthy would, Seneca promised, soon come to an important realisation:

"'Is this really the condition that I feared?' ...Endure [this poverty] for three or four days at a time, sometimes for more.... and I assure you...you will understand that a man's peace of mind does not depend upon Fortune." (E.XVIII, 5-9)

7. Many Romans found it surprising, even ridiculous to discover that the philosopher proffering such advice lived in considerable luxury himself. In his late thirties and early forties, Seneca had accumulated enough money through his political career to acquire villas and farms. He ate well, and developed a love of expensive furniture, in particular citrus wood tables with ivory legs. He resented suggestions that there was something unphilosophical in his behaviour.

"Stop preventing philosophers from possessing money; no one has condemned wisdom to poverty." (Vita Beata, XXIII,1)

And with touching pragmatism,

"I will despise whatever lies in the domain of Fortune, but if a choice is offered, I will choose the better half." (Vita Beata, XXV,5)

8. It wasn't hypocrisy. Stoicism does not recommend poverty; it recommends that we neither fear nor despise it. It considers wealth to be, in the technical formulation, a *productum*, a preferred thing - neither an essential one, nor a crime. Stoics may live with as many gifts of Fortune as the foolish. Their houses can be as grand, their furniture as beautiful. They are identified as wise by only one detail; how

they would respond to sudden poverty. They would walk away from the house and the servants without rage or despair, thanks to premeditations and thin soup.

9. The idea that a wise person should be able to walk away from *all* of Fortune's gifts calmly was Stoicism's most extreme, peculiar claim, given that Fortune grants us not only houses and money, but also our friends, our family, even our bodies.

"The wise man can lose nothing. He has everything invested in himself" (De Constantia, V,4)

"The wise man is self-sufficient...if he loses a hand through disease or war, or if some accident puts out one or both of his eyes, he will be satisfied with what is left." E. IX,4

Which sounds absurd, unless we refine our notion of what Seneca meant by 'satisfied.' We should not be happy to lose an eye; but life would be possible even if we did so. The right number of eyes and hands is a *productum*. Two examples of the position.

"The wise man will not despise himself even if he has the stature of a dwarf, but he nevertheless wishes to be tall." (Vita Beata, XXII,2)

"The wise man is self-sufficient in that he can do without friends, not that he *desires* to do without them." E. IX,5

10. Seneca's wisdom was more than theoretical. Exiled to Corsica, he found himself abruptly stripped of all luxuries. The island had been a Roman possession since the first Punic war of 238BC, but it had not enjoyed the benefits of civilisation. The few Romans on the island rarely settled outside two colonies on the east coast, Aleria and Mariana, and

it was unlikely that Seneca was allowed to inhabit them, for he complained of hearing only "barbaric speech" around him, and was associated with a forbidding building near Luri at the northern tip of the island known since ancient times as 'Seneca's Tower.' Conditions must have contrasted painfully with life in Rome. But in a letter to his mother, the former wealthy statesman explained that he had managed to accommodate himself to his circumstances, thanks to years of morning premeditations and periods of thin soup.

"Never did I trust Fortune, even when she seemed to be offering peace. All those blessings which she kindly bestowed on me - money, public office, influence - I relegated to a place from which she could take them back without disturbing me. Between them and me, I have kept a wide gap, and so she has merely *taken* them, not *torn* them from me." (Helvia, V, 4)

Feelings of being mocked by

(i) inanimate objects

A sense that one's wishes are being purposefully frustrated by a pencil which drops off a table or a drawer that refuses to open. The frustration caused by the inanimate object is compounded by a sense that it holds one in contempt. It is acting in a frustrating way in order to signal that it does not share the view of one's intelligence or status to which one is attached and to which others subscribe.

(ii) animate objects

A similarly acute pain arising from the impression that other people are silently ridiculing one's character.

In a hotel in Sweden, I am accompanied to my room by an employee who offers to carry my luggage. "It will be far too heavy for a man like you," he smiles, emphasising man to imply its counterpart. He has Nordic blond hair (perhaps a skier, a hunter of elk; in past centuries, a warrior) and a determined expression. "Monsieur will enjoy the room," he says. It is unclear why he has called me Monsieur, knowing that I have come from London, and the use of will smacks of an order. The suggestion becomes plainly incongruous, and evidence of conspiracy, when the room turns out to suffer from loud traffic noise, a faulty shower, and a broken television. In otherwise shy, quiet people, feelings of being slyly mocked may boil over into sudden shouting and acts of cruelty; even murder.

1. It is tempting, when one is hurt, to believe that the thing which hurt us *intended* to do so. It is tempting to move from a sentence with clauses connected by *and* to one with clauses connected by *in order to*; to move from thinking that, "The pencil fell off the table *and* now I am annoyed" to the view that, "The pencil fell off the table *in order to* annoy me."
2. Seneca collected examples of such feelings of persecution by inanimate forces. Herodotus's *Histories* provided one. Cyrus, the king of Persia and the founder of its great empire, had owned a beautiful white horse which he always rode on into battle. In the spring of 539BC, King Cyrus declared war on the Assyrians to expand his territory, and set off with a large army for their capital, Babylon, on the banks of the Euphrates River. The march went well, until the army reached the river Gyndes, which flowed down from the Matienian mountains into the Tigris. The Gyndes was known to be perilous even in the summer,

and at this time of year, was brown and foaming, swollen with the winter rains. The King's generals counseled delay, but Cyrus was not daunted and gave orders for an immediate crossing. Yet, as the boats were being readied, Cyrus's horse slipped away unnoticed and attempted to swim across the river. The foaming current seized the beast, toppled it and swept it downstream to its death.

Cyrus was livid. The river had dared to make away with his sacred white horse, the horse of the warrior who had ground Croesus into the dust and terrified the Greeks. He screamed and cursed, and at the height of his fury, decided to pay back the Gyndes for its insolence. He vowed to punish the river by making it so weak that a woman would in future be able to cross it without so much as wetting her knees.

Setting aside plans for the expansion of his Empire, Cyrus divided his army into two parts, marked out a hundred and eighty small canals running off from each bank of the river in various directions and ordered his men to start digging, which they did for an entire summer, their morale broken, all hope of a quick defeat of the Assyrians gone. And when they were finished, the once-rapid Gyndes was split into three hundred and sixty separate channels through which water flowed so languidly that astonished local women could indeed wander across the trickling stream without hoisting their skirts. His anger assuaged, the King of Persia instructed his exhausted army to resume the march to Babylon.

3. Seneca also collected examples of feelings of persecution at the hands of animate objects. He knew of the Roman governor of Syria, Gnaeus Piso, a brave general but a troubled soul. When a soldier returned from a period of leave without the friend

he had set out with and claimed he had no idea where he had gone, Piso judged that the soldier was lying; he had killed his friend, and would have to pay with his life.

The condemned man swore he hadn't murdered anyone and begged for time for an enquiry to be made, but Piso knew better and had the soldier escorted to his death without delay.

However, as the centurion in charge was preparing to cut off the soldier's head, the missing companion arrived at the gates of the camp. The army broke into spontaneous applause and the relieved centurion called off the execution.

Piso took the news less well. Hearing the cheers, he felt them to be mocking his judgement. He grew red and angry, so angry that he summoned his guards and ordered both men to be executed, the soldier who hadn't committed murder and the one who hadn't been murdered. And because he was by this point feeling very persecuted, Piso also sent the centurion off to his death for good measure.

4. The governor of Syria had at once interpreted the applause of his soldiers as a wish to undermine his authority and to question his judgement. Cyrus had at once interpreted the river's manslaughter of his horse as murder.

Seneca had an explanation for such errors of judgement; it lay with "a certain abjectness of spirit" (De Constantia, X, 3) in men like Cyrus and Piso. Behind their readiness to anticipate insult, lay a fear of deserving ridicule. When we suspect that we are appropriate targets for hurt, it does not take much for us to believe that someone or something is out to hurt us.

" 'So and so did not give me an audience today, though he gave it to others,' 'he haughtily repulsed or openly laughed at my conversation'; 'he did not give me the seat of honour, but placed me at the foot of the table.'" (De Constantia X. 2)

There may be innocent grounds. He didn't give me an audience today, because he would prefer to see me next week. It seemed like he was laughing at me, but it was a facial tic. These are not the first explanations to come into our minds when we are abject of spirit.

5. We must endeavour to surround our initial impressions with a fireguard and refuse to act at once on their precepts. We must ask ourselves if someone who has not answered a letter is necessarily being tardy to annoy us, and if the missing keys have necessarily been stolen.

"[The wise do] not put a wrong construction upon everything" E.LXXXI.25

6. And the reason why they are able not to was indirectly explained by Seneca in a letter to Lucilius, the day he came upon a sentence in one of the works of the philosopher Hecato:

"I shall tell you what I liked today in [his writings]; it is these words: 'What progress, you ask, have I made? *I have begun to be a friend to myself.*' That was indeed a great benefit; ...you may be sure that such a man is a friend to all mankind." (E.VI, 7)

7. There is an easy way to measure our inner levels of abjectness and friendliness to ourselves. We should examine how well we respond to noise. Seneca lived near a gymnasium. The walls were thin and the racket was continuous. He described the problem to Lucilius.

"Imagine what a variety of noises reverberates around my ears!... For example, when a strenuous gentleman is exercising himself by swinging lead weights, when he is working hard, or else pretends to be working hard, I can hear him grunting; and whenever he releases his pent-up breath, I can hear him panting in wheezy, high-pitched tones. When my attention turns to a less active type who is happy with an ordinary, inexpensive massage, I can hear the smack of a hand pummeling his shoulders... One should add to this the arresting of an occasional reveler or pickpocket, the racket of the man who always likes to hear his own voice in the bathroom... the hair-plucker with his shrill, penetrating cry... then the cake seller with his varied cries, the sausage man, the confectioner and everyone hawking for the catering shops." (E.LVI,1-2)

8. Those who are unfriendly with themselves find it hard to imagine that the cake seller is shouting *in order to sell cakes*. The builder on the ground floor of a hotel in Rome may be pretending to repair a wall, but his real intention is to tease the man trying to read a book in a room on the upper level.

Abject interpretation: The builder is hammering *in order to annoy me*.

Friendly interpretation: The builder is hammering *and I am annoyed*.

9. To calm us down in noisy streets, we should trust that those making a noise know nothing of us. We should place a fireguard between the noise outside and an internal sense of deserving punishment. We should not import into scenarios where they don't belong pessimistic interpretations of others' motives. Thereafter, noise will never be pleasant, but it will not have to make us furious.

"All outdoors may be bedlam, provided that there is no disturbance within." E.LVI, 5

There would be few great human achievements if people did not refuse to be frustrated. The motor of our ingenuity is the question, 'Does it have to be like this?' - from which arise political reforms, scientific developments, improved relationships, better books. The Romans were consummate at refusing frustration. They hated winter cold and developed underfloor heating. They didn't wish to walk on muddy roads and so paved them. In the middle of the first century AD, the Roman inhabitants of Nîmes in Provence decided they wanted more water for their city than nature had granted them, and so spent a hundred million sesterces building an extraordinary symbol of human resistance to the status quo. To the north of Nîmes, near Uzès, Roman engineers found a water source strong enough to irrigate the baths and fountains of their city, and drew up plans to divert the water fifty miles through mountains and across valleys in a system of aqueducts and underground pipes. When the engineers confronted the cavernous gorge of the river Gard, they did not despair at nature's obstacle, but erected a massive three-tiered aqueduct, three hundred and sixty meters long and forty-eight meters high, capable of carrying thirty-five thousand cubic meters of water a day - so that the inhabitants of Nîmes would never be forced to suffer the frustration of a shallow bath.

Unfortunately, the mental faculties which search so assiduously for alternatives are hard to arrest. They continue to play out scenarios of change and progress even when there is no hope of altering reality. To generate the energy required to spur us to action we cannot but be reminded by jolts of discomfort - anxiety, pain, outrage, offence - that reality is not as we would wish it. Yet

these jolts have served no purpose if we cannot subsequently effect improvement, if we lose our peace of mind but are unable to divert rivers; which is why for Seneca, wisdom lies in correctly discerning where we are free to mould reality according to our wishes and where we must accept the unalterable with tranquility.

The Stoics had another image with which to evoke our condition as creatures at times able to effect change yet always subject to external necessities. We are like dogs that have been tied to an unpredictable cart. Our leash is long enough to give us a degree of leeway, but is not long enough to allow us to wander wherever we please.

The metaphor had been formulated by the Stoic philosophers Zeno and Chrysippus, and reported by the Roman Bishop Hippolytus:

“When a dog is tied to a cart, if it wants to follow, it is pulled *and* follows, making its spontaneous act *coincide with* necessity. But if the dog does not follow, it will be compelled in any case. So it is with men too: even if they don’t want to, they will be compelled to follow what is destined.” Reported by Bishop Hippolytus, *Refutation of all heresies*, 1.21 (Long & Sedley, vol I, p386)

A dog will naturally hope to go wherever it pleases. But as Zeno’s and Chrysippus’s metaphor implies, if it cannot, then it is better for the animal to be *trotting* behind the cart rather than *dragged and strangled* by it. Though the dog’s first impulse may be to fight against the sudden swerve of the cart in an awful direction, his sorrows will only be compounded by his resistance. It is better to head in a bad direction without a pain in the neck than to be dragged *and* strangled.

As Seneca put it:

“An animal, struggling against the noose, tightens it... there is no yoke so tight that it will not hurt the animal less if it pulls *with* it than if it fights *against* it. The one alleviation for overwhelming evils is to endure and bow to necessity.” (De Ira, III,16,1)

To reflect that we too are never without a leash around our neck helps to reduce the violence of our mutiny against events which veer away from our intentions. The wise will learn to identify what is necessary and follow it at once, rather than exhaust themselves in protest. When a wise man is told that his suitcase has been lost in transit, he will resign himself at once to the fact. Seneca reported how the founder of Stoicism had behaved upon the loss of his possessions:

“When Zeno received news of a shipwreck and heard that all his luggage had been sunk, he said, ‘Fortune bids me to be a less encumbered philosopher.’” (De tranquillitate Animi, XIV,3)

It may sound like a recipe for passivity and quietude, encouragement to resign ourselves to frustrations that might have been overcome. It could leave us without the heart to build even a diminutive aqueduct like that in Bornègre, in a valley a few kilometers north of the Pont du Gard, a modest seventeen meters long and four meters high.

But Seneca’s point is more subtle. It is no less unreasonable to accept something as necessary when it isn’t as to rebel against something when it is. We can as easily go astray by accepting the unnecessary and denying the possible, as by denying the necessary and wishing for the impossible. It is for reason to make the distinction.

Whatever the similarities between ourselves and a dog on a leash, we have a critical advantage: we have reason and the dog

doesn't. So the animal does not at first grasp that he is even tied to a leash, nor understand the connection between the swerves of the cart and the pain in his neck. He will be confused by the changes in direction, it will be hard for him to remember the history of the zig-zagging, and he will therefore suffer constant painful jolts. But reason enables us to theorise with accuracy about the path of the cart, which offers us a chance, unique among living beings, to increase our sense of freedom by ensuring a good slack between ourselves and necessity. Reason allows us to calculate when our wishes are in irrevocable conflict with reality, and then bids us to submit ourselves willingly, rather than angrily or bitterly, to necessities. We may be powerless to alter certain events, but we remain free to choose our attitude towards them, and it is in our spontaneous acceptance of necessity that we can find our distinctive freedom.

In February 62, Seneca came up against an unalterable reality. Nero ceased to listen to his old tutor, he shunned his company, encouraged slander of him at court and appointed a bloodthirsty praetorian prefect, Ofonius Tigellinus to assist him in indulging his taste for random murder and sexual cruelty. Virgins were taken off the streets of Rome and brought to the Emperor's chambers. Senators' wives were forced to participate in orgies, and saw their husbands killed in front of them. Nero roamed the city at night disguised as an ordinary citizen and slashed the throats of passers-by in back alleys. He fell in love with a young boy who he wished could have been a girl, and so castrated him and went through a mock wedding ceremony. Romans wryly joked that their lives would have been more tolerable if Nero's father Domitius had married that sort of a woman. Knowing he was in extreme danger, Seneca attempted to withdraw from court and remain quietly in his villa outside

Rome. Twice he offered his resignation; twice Nero refused, embracing him tightly and swearing that he would rather die than harm his beloved tutor. Nothing in Seneca's experience could allow him to believe such promises.

He turned to philosophy. He could not escape Nero, and what he could not change, reason asked him to accept. During what might have been intolerably anxious years, Seneca devoted himself to the study of nature. He began writing a book about the earth and the planets. He looked at the vast sky and the constellation of the stars; he studied the unbounded sea and the high mountains. He observed flashes of lightning and speculated on their origins.

"A lightning bolt is fire that has been compressed and hurled violently. Sometimes we take up water in our two clasped hands and pressing our palms together squirt out water the way a pump does. Suppose something like this occurs in the clouds. The constricted space of the compressed clouds forces out the air that is between them and by means of this pressure sets the air afire and hurls it the way a catapult does." (NQ. II.16)

He considered earthquakes and decided they were the result of air trapped inside the earth that had sought a way out, a form of geological flatulence.

"Among the arguments that prove earthquakes occur because of moving air, this is one you shouldn't hesitate to put forward: when a great tremor has exhausted its rage against cities and countries, another equal to it cannot follow. After the largest shock, there are only gentle quakes because the first tremor, acting with greater vehemence, has created an exit for the struggling air." (NQ.VI.31.1-2)

It hardly mattered that Seneca's science was faulty; it was more significant that a man whose life could at any time have been cut short by the caprice of a murderous emperor appeared to gain immense relief from the spectacle of nature - perhaps because in mighty natural phenomena lie reminders of all that we are powerless to change, of all that we must accept. Glaciers, volcanoes, earthquakes and hurricanes stand as impressive symbols of what exceeds us. In the human world, we grow to believe that we may always alter our destinies, and hope and worry accordingly. It is apparent from the heedless pounding of the oceans or the flight of comets across the night sky that there are forces entirely indifferent to our desires. The indifference is not nature's alone; humans can wield equally blind powers over their fellows, but it is nature which gives us a most elegant lesson in the necessities to which we are subject.

"Winter brings on cold weather; and we must shiver. Summer returns, with its heat; and we must sweat. Unseasonable weather upsets the health; and we must fall ill. In certain places we may meet with wild beasts, or with men who are more destructive than any beasts.... And we cannot change this order of things... it is to this law [of Nature] that our souls must adjust themselves, this they should follow, this they should obey... That which you cannot reform, it is best to endure." (E.CVII.7-9)

Seneca had begun his book on nature as soon as he had offered Nero his resignation for the first time. He was granted three years. Then in April 65, Piso's plot against the Emperor was uncovered, and a centurion was dispatched to the philosopher's villa. He was ready. Topless Paulina and her maids might have collapsed into tears, but Seneca had learnt to follow the cart obediently, and slit his veins

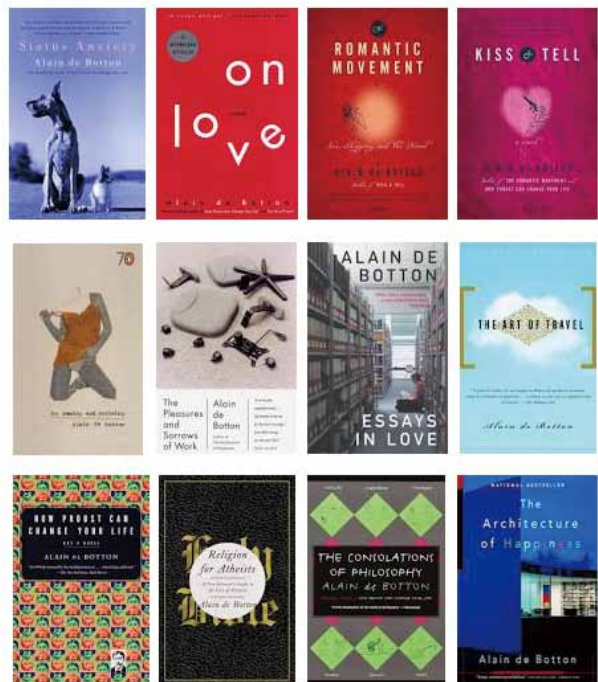
without protest. As he had reminded Marcia on the loss of her son Metilius:

"What need is there to weep over parts of life? The whole of it calls for tears." (Marcia, XI.1)
"Quid opus est partes deflere? Tota flebilis vita est."



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Books written by Alain de Botton
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OPINION: NETWORK

Young men in row (Photo by CVT)

Mental Health

Global Humanitarian Priority

by Jennifer J. Esala and Brad Robideau

The Center for Victims of Torture (CVT) is an international nonprofit organization dedicated to healing survivors of torture and war-related atrocities. During this, our 28th year, the 24,000th survivor will walk through one of our doors in Minnesota, Africa or the Middle East asking for healing.

As one of the oldest and largest torture survivor rehabilitation centers in the world, CVT's experience has given it a unique perspective on the long-term devastation that torture and war inflict on individuals and communities. One lesson that has been clear in our years of providing rehabilitative services to torture survivors is that torture

is fundamentally a political weapon used by repressive regimes to shape societies through fear.

Torture is used to stifle dissent, destroy emerging movements and disrupt formation of an effective and strong civil society. Torture destroys the ability to trust in anyone or anything. As a result, individuals and communities are left broken and fearful. There is no longer confidence in public institutions, such as police and courts. Hopelessness prevails over civic engagement. Speaking out for democracy and human rights becomes a courageous and dangerous act that will result in arrest and torture.

The ongoing violence and human rights atrocities in Syria are a horrific reminder that the systematic use of torture, including the torture of children, still exists. Indeed, Amnesty International indicated that they have received reports of torture or ill-treatment in over 150 countries from 1997 until the mid-2000s. In 70 of those countries, the victims of torture were political prisoners.

For several years, political instability, war and repression have resulted in hundreds of thousands of people becoming refugees and internally displaced people around the world. Many are survivors of torture and other human rights atrocities who are left physically, psychologically and emotionally impaired. Others are witness to traumatic events that have left them incapacitated.

The debilitating mental health consequences of torture and war trauma on individuals and communities are long-lasting and pervasive to both current and future generations. Trauma is passed on to future generations through various mechanisms, such as exposure to their family and friends' retelling of trauma narratives, witnessing

torture-related symptoms and, in some cases, the integration of trauma into their broader cultural identity.

By not addressing the mental health needs of survivors, cycles of despair will persist.

Yet, even after such terrible experiences, torture survivor rehabilitation programs are effective in helping torture and war trauma survivors heal and restoring meaningful lives of dignity. With access to mental health interventions and other rehabilitative care, survivors can rebuild shattered lives and become productive members of their families and communities. Their hope and trust can be renewed.

To achieve these aims, mental health care must be better integrated in humanitarian responses post-conflict. Trained staff must be in place to advance access to mental health care in areas of the world where few mental health resources are available. The international community's financial support for torture survivor rehabilitation services must be increased to keep pace with the number of survivors in need of assistance.

Turning Communities into Healers

For torture and war trauma survivors, the availability of mental health care and other rehabilitative services can remain elusive even after resettling in other countries, especially in large refugee camps. These survivors are eager for a new start in order to regain their life functioning but are trying to cope with loss and devastation after massive atrocities and widespread violence. They are resilient but vulnerable. These survivors need and deserve to be healed.

To reach these survivors, CVT has created a community-based model of mental health care and recovery in countries with large

numbers of highly traumatized refugees or returnees. The model consists of two primary activities: providing immediate mental health services and developing local capacity over the long-term to deal with the many mental health problems that exist in post-conflict settings.

Trained professionals begin to provide mental health services to survivors. The type of mental health interventions vary depending on the level of trauma and include individual, small and large group counseling, and family therapy.

At the same time, individuals from the local or refugee community are selected to work as psychosocial counselors. They work side-by-side with CVT's psychotherapists/trainers and receive extensive training and supervision. Once fully trained, they serve as mental health care providers, advocates, and educators.

These newly trained psychosocial counselors become a capable resource for healing in their community after CVT has departed. Some have continued their mental health careers with other agencies or launched their own organizations. In 2005, CVT-trained counselors formed CAPS, Community Association for Psychosocial Services, in Sierra Leone. Similarly, the Liberia Association of Psychosocial Services was founded by former CVT employees in that country.

Through this process, CVT offers mental health services to communities with immense need but few mental health recovery resources. Moreover, these programs contribute to a sustainable mental health recovery system by investing in and training community members who can continue to provide services.

Fostering a Worldwide Network of Leaders, Hope, and Healing

Many torture survivor rehabilitation centers operate in areas around the world where mental health care is not easily accessible or is a new field. Some manage in short supply of human and financial resources. Others do so in isolation because fear has taken hold in the shadow of ongoing human rights violations. The courageous that do provide services often operate at great risk to their own safety with little or no local and national support.

Even in places where mental health systems do exist, extreme violence and displacement can be overwhelming.

However, centers play a special role in the struggle to overcome a country's legacy of torture. Along with counseling, centers often provide services beyond rehabilitation, including human rights monitoring; forensic documentation; written and verbal testimony to courts and legislative bodies; and advocacy for the rights of the oppressed.

They help community members understand and heal the damage torture and trauma have caused to individuals, families and entire societies.

Small in size with limited human and financial resources, mental health counselors and other staff at these centers are committed to expanding their knowledge and capacity to meet the mental health needs of survivors in their care and to help them reclaim their lives.

To assist centers as they endeavor to provide rehabilitative care to survivors, CVT started Partners in Trauma Healing (PATH), with a grant from the U.S. Agency for International Development and the American peoples' support. This projects helps torture survivor

rehabilitation centers around the world provide high-quality mental health services to survivors and to build stable, independent organizations through technical assistance and training.

PATH is currently working with ten independent centers providing care to torture and war trauma survivors in three key areas: mental health treatment and healing, organizational development, and monitoring and evaluation. Among the ten centers are two in Southeast Asia: Transcultural Psychosocial Organization in Cambodia (TPO Cambodia) and Survivors Associated (SA) in Sri Lanka.

The centers involved with PATH have shown they can overcome legacies of violence and conflict for individuals and communities. PATH aims to bring them into a network of rehabilitation professionals and provide them with the assistance required for the difficult work of healing survivors.

United Nations Voluntary Fund for Victims of Torture: Supporting Survivors

A key lifeline to torture survivor rehabilitation centers, the United Nations Voluntary Fund for Victims of Torture, was created to focus global attention on the impact of torture and the needs of its victims. The Fund gives financial support to centers for psychological, medical, social, legal, and economic assistance to survivors and members of their families. Tens of thousands of survivors benefit from the Fund's work each year.

The Fund enables projects to start providing care to survivors in places of most immediate need where conflicts create widespread human rights abuses. The Fund also provides critical funding for centers in areas where other resources to fund rehabilitation are severely limited.

Unfortunately, global contributions to the Fund are decreasing at a time when thousands of survivors are desperately waiting to receive the care they need. These significant decreases in contributions have placed the Fund under severe financial pressure, resulting in serious cutbacks to centers.

The international community should contribute generously to the Fund, bring it to the level that it ought to be, and sustain it far in the future.

Now is the time to reinvigorate our commitment to supporting the rehabilitation needs of torture and war trauma survivors around the world. Mental health and other healing care is integral to helping individuals and their families rebuild their lives, and it is integral to restoring societies torn apart by violence.

Authors:

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GUEST COLUMN



The Problem with U.S. Prisons

by Ed Mead

The Problem

Older Americans can easily remember a time when it was against the law for a black man to date a white woman; they can remember when sodomy was a crime punishable by

long terms of imprisonment; and that the notion of gay marriage was outside the realm of possibility. Just as those times have come and gone, so too will the widely held belief that it is okay to hold human beings in conditions of slavery—keeping them in

a state of dependency and irresponsibility, disenfranchised from the political process, in torturous conditions such as massive overcrowding, medical neglect, and in an environment that is otherwise dehumanizing and alienating. In addition, the criminal justice system in the U.S. is also extremely racist. Today there are more African-Americans in the corrections system—in prison or on probation or parole—than there were enslaved in 1850.

The United States has 4 % of the world's population, yet holds 25 % of the global prisoners. In 1970, there were roughly 350,000 people in our jails and prisons. Today there are 2.3 million people behind bars in America, another 7.3 million under some form of judicial supervision (parole, probation, etc.), and 14 million ex-convicts out on the streets. That's nearly 25 million people! Add in the family members and loved ones of people impacted by the criminal justice system in the United States and you can see the potential for building a movement for progressive change.

Change will come, although it will require struggle and sacrifice—it will require a movement. Prisoners are at a historical juncture. On the one hand they can take control over their lives and have some say in the conditions of their existence, or, alternatively, they can continue to be mere pawns acted upon by external forces over which they have no control and watch things get even worse. For conditions to change, prisoners themselves must become actors on the stage of their own history. The system has stolen their sense of responsibility. To take it back all they need do is exercise it. Prisoners need to take back what has been stolen from them—their sense of responsibility and their human dignity.

How bad is it? I'll not get into specific

examples. Although I could say there are men who have served over 40 years in an isolation cell in Pelican Bay Prison's infamous Security Housing Unit, subjected to sensory deprivation, 23 hours a day in an area half the size of your bathroom. They are not being held for any infraction of prison rules, but rather because prison officials believe these men might be gang members. Others have done 30, 25, 20, etc. years in these torture chambers—and long-term isolation is a form of torture.

For our purposes here we'll continue to use the California's prison system as a yardstick, although many others are far worse (such as prisons in Texas and other parts of the South). In 2011, the U.S. Supreme Court decision on overcrowding in California's prison system was based on two cases. One, *Coleman v. Brown* was filed in the district court in 1990, some 21 years before the court's ruling, and, the other, *Plata v. Brown*, was filed in 2001, some ten years slogging its way through the judicial process. The majority opinion was written by Justice Kennedy, who cited the lower court's finding of fact that an average of one prisoner a week was dying in California's prisons due to medical neglect and malpractice caused in large part by overcrowding. Yes! People were dying and the state fought against the notion that this was cruel and unusual punishment. Worse, when the decision came down it was by a sharply divided court (five to four) as to whether the death of one prisoner a week was cruel or unusual. And even then the court gave the state two years within which to implement the ruling, with an open invitation for California to ask for an extension of time if needed. That two year time period has come and gone and the state of California has still not implemented the high court's order to reduce the state's prison population.

The Theory

Power and responsibility go hand-in-hand, or at least they should. Power is not a force that can simply be handed to an individual or group; rather it is something that must be earned. In the process of struggling for power people learn to exercise the responsibility needed to yield it properly. Power is earned in a number of ways, but in the case of prisoners it must be earned through the process of protracted, peaceful struggle.

In the state of California, the recidivism rate (those who return to prison within three years of release) is a whopping seventy percent. Not coincidentally, the unemployment rate for those released from prison is also seventy percent in that state. Now if you were the top manager in a factory that produced a product (say widgets) with a part failure or defect rate of seventy percent, the public would not buy your defective widgets, your stock holders would be in revolt, and, in addition to being broke, you would be very close to being fired from your position as manager. Yet, in corrections industry such a failure seems to be taken for granted; nobody is held responsible. And in those occasions when the issue is raised, the response by politicians and correctional officials is to apply more of what has proven to fail in the past—more prisons, harsher sentences, etc. In short, more repression. Whereas, in other areas of government, such as reducing medical costs, the government uses incentives to change behaviour.

This cycle of increased repression tends to gather its own momentum. At one point back in 17th century England, this process reached ridiculous proportions. It was a capital offense to pick a pocket, chop down a tree on a public lane, or even to kill a rabbit on land belonging to the king. Yet while a crowd gathered to watch the hanging of a pick pocket, fellow members of that

dishonourable profession would be out picking the pockets of the crowd assembled to watch the hanging.

History has repeatedly demonstrated that deterrence does not work. Just look at the number of people incarcerated under the habitual criminal and three-strike laws. If deterrence worked those numbers would be way smaller. Yet when this fact becomes clear to all who can see, the response of politicians is always to apply more repression. We don't need more jails; we need more jobs, more schools, and better opportunities. Yet it seems none are as blind as those who refuse to see.

The point is that repression / punishment simply does not work. Anyone who owns a dog knows that reward is a better motivator of behaviour than punishment. Punish the dog and you get a cur. Reward the dog and you get a well-behaved, tail-wagging companion. In the case of prisoners, it would be less expensive to send them to a prestigious university for a year than it is to keep them in prison for that length of time. Society could be making employable rocket scientists (or whatever) out of them, but instead they hold them in deplorable conditions for outrageously extended lengths of time, in conditions of irresponsibility and dependency, disenfranchised from the rights of citizenship (such as the right to vote). Even worse, the thirteenth amendment to the U.S. constitution says "Neither slavery nor involuntary servitude, except as a punishment for crime." In other words, slavery was abolished for everyone but convicted criminals—meaning millions of Americans are being held in slavery, being forced to work and confined in deplorable conditions.

If you had an item of clothing with a rip in it, say a pair of pants, you would most likely

strengthen that weak spot with a patch. What is crime but a reflection of the weakness in the social fabric? Rather than repair the tear, however, the government rips the garment open wider. And when that does not fix the problem they do it again, and so on.

The Solution

California prisoners are struggling for change. Their first step was to unite all of the prison gangs into a united front. People call this leadership of this front the Representatives. The struggle started in the Security Housing Units (SHUs or solitary confinement) of that state's prison system. As political prisoner Mumia Abu-Jamal has said "Solitary confinement, especially for extended terms, is quite literally soul damning or the states way of killing without killing. I've seen men mutilate themselves, cut their necks, their throats, all because the mind killing boredom drove them out of their skulls. There's a reason the United Nations special rapporteur calls solitary a form of torture if one is held that way over a few weeks, because it is." Here we have people held in solitary confinement for decades.

The form this struggle against isolation has taken so far is the use of hunger strikes (HS); the first of these was initiated on July 1, 2011, and the second in October of that year. During the first HS the California Department of Corrections and Rehabilitation (CDCR) first said there were only about a dozen prisoners participating in the hunger strike, and then only in only one prison. But very soon they had to admit publicly that there were 6,600 prisoners on hunger strike in 13 prisons. That HS went on for three weeks and had a great deal of outside support from the community. The strike was a major news story, not only in California but across the country. The first HS ended when the CDCR promised to meet the prisoners' five core demands.

The CDCR then stalled and procrastinated and manoeuvred in every way it could to keep from implementing the demands. This intransigence by the state led to another Hunger Strike in October of 2011 (HS2). The number of participants in HS2 peaked at nearly 12,000 (11,898 according to the Office of the Special Master, and slightly less than that, 11,619, according to CDCR's own figures). This second HS lasted for several weeks as well. Each HS ending only after prison officials agreed to negotiate around the SHU prisoners' five core demands.

Never before in known history have so many people gone on hunger strike, let alone it being prisoners who accomplished



this remarkable feat. Yet, after each hunger strike CDCR went back on its agreements or otherwise failed to negotiate with prisoners in good faith. The CDCR has a written policy on hunger strikes that mandates that when a prisoner goes on HS, guards come into his cell and remove anything that might be edible. When these men went on hunger strikes they ate nothing. It was not a game.

A part of empowerment is taking responsibility. On August 12, 2012, California's leading prisoners issued an "Agreement to End Hostilities", which was signed by the leadership of all racial groups, and which called for the cessation of all gang or racial hostilities throughout the state. So far that call has been honoured. Prisoners are not fighting each other. Instead they are preparing to struggle for progressive change. Some historic steps have now been taken by California prisoners, yet little has been accomplished due to the unwillingness of the state to negotiate with prisoners in good faith.

The Next Step

In response to CDCR's intransigence, on July 8, 2013, California prisoners will initiate state-wide hunger and work strikes. SHU and Ad Seg prisoners will not eat, and general population prisoners will not work. As you know, the prisons cannot run for long without the labour of prisoners. The reps have asked prisoners in other states to formulate their own list of demands and to join with California by withholding their labour until their own local demands are met. Outside prisoners strike support groups have been formed in all major cities on the west coast, including Seattle, Portland, Oakland, San Francisco, Los Angeles, and San Diego, and smaller groups in other cities across the nation. This looming struggle may prove to be one of historic proportions.

On June 20th the reps issued the following statement: "The principal prisoner representatives from the PBSP SHU Short Corridor Collective Human Rights Movement does hereby present public notice that our nonviolent peaceful protest of our subjection to decades of indefinite state-sanctioned torture, via long term solitary confinement will resume on July 8, 2013, consisting of a hunger strike/work stoppage of indefinite duration until CDCR signs a legally binding agreement meeting our demands, the heart of which mandates an end to long-term solitary confinement (as well as additional major reforms). Our decision does not come lightly. For the past (2) years we've patiently kept an open dialogue with state officials, attempting to hold them to their promise to implement meaningful reforms, responsive to our demands. For the past seven months we have repeatedly pointed out CDCR's failure to honor their word...."

The Demands

What are the outrageous demands the prisoners are making on the state? Demands so burdensome the CDCR will not implement any of them? Here are the Rep's five core demands:

1. Eliminate group punishments
2. Abolish debriefing policy and modify active/inactive gang status criteria
3. Comply with recommendations of US Commission on Safety and Abuse in America's Prisons (2006)
4. Provide adequate food
5. Provide constructive programs and privileges for SHU prisoners

At issue here, in terms of these five demands, which you can see are really quite reasonable, is the attitude of the CDCR that prisoners are less than human and therefore have no rights the state is bound to respect.

Conclusion

The Universal Declaration of Human Rights, a treaty the U.S. Constitution says is the “law of the land”, proclaims that all humans have the inherent right to freedom from slavery, forced labor, torture, cruel, inhuman or degrading treatment and to be recognized as a person before the law. Are prisoners human beings? If so they too have these fundamental rights—including the right to organize into labor unions. Yet it will take a political struggle by prisoners and their outside supporters to enforce these fundamental rights. The battle against the provision of the thirteenth amendment, for example, that legitimizes the status of prisoners as slaves of the state, cannot be won in the courts—the courts cannot hold a portion of the constitution as unconstitutional. The same is true for enforcing a treaty the U.S. is a signatory to. Rectifying these wrongs will require a peaceful, broad-based political struggle on a national scale.

Prisoners must develop the discipline and responsibility necessary to build a national organization capable of shutting down all prisoner labour, yes, work strikes, until the government honours its commitment to the Universal Declaration of Human Rights. The prisoners have the power, in that the prisons cannot function without the labour of prisoners. They need only learn to peacefully exercise that power.

Yet, even if prisoners were to succeed in winning such victories as the right to vote or abolishing their status as slaves of the state, there is still the problem of a social order that puts profit above people—the dog-eat-

dog mentality of capitalism that nourishes a culture of selfishness and greed. For real progress to be made in the overall human condition there will first need to be a radical transformation of class relations. That should be the goal of all who love equality and justice.

Ed Mead was a member of an underground group back in the early 1970s that did a series of bombings in opposition to the Viet Nam war, as well as other issues. The group, which was called the George



Jackson Brigade, financed itself through bank robberies. Ed served 18 years in prison as a result of his participation in the Brigade.



THE STORY OF A SURVIVOR

“Freedom or Die”



Hazel Le with her mother at their residence in Hong Kong – Photo by Torture: Asian and Global Perspectives

(There are millions of stories of people who have narrowly escaped death and struggled to survive. This is a story about a one such survivor who went through a tremendous struggle in her life due to the social disorder in her country of origin. This is the story of Ms. Hazel Le who came from Vietnam, and who spent years in a refugee camp in Hong Kong during the post-Vietnam war period.-Editor)

by Hazel Le

After the Vietnam War ended in 1975, many people in our country headed to neighboring countries, like Singapore, Malaysia, Indonesia

and Hong Kong by boat to seek a stable life and a chance to improve their futures. My mother and I sought refugee status in Hong



Life in the refugee camp: there were hundreds of refugees from Vietnam who received assistances in Hong Kong – Photograph provide by Hazel Le

Kong as we heard that it was usually granted and the applicants were eventually accepted by Western countries.

We have been living in Hong Kong for almost 20 years now and seldom talk about the old days since it was a terrible time which we do not want to recall. In 1990, when I was seven, we took a boat from Vietnam to Hong Kong. We were interned in “closed camps” for almost four years as possibilities for resettlement to third countries dwindled. The word “freedom or die” kept repeatedly going through my mind. During the late 1990s, the Hong Kong government began the **Bắt đầu từ nay** broadcast radio announcement as an attempt to deter Vietnamese migrants from making their way to Hong Kong. I witness many refugees going on a hunger strike to fight for their freedom. In those four years, we experienced strikes, demonstrations and relocation to different refugee camp

sites in Hong Kong. I saw people that were repatriated, some got the permission go to a third country but we were one of the fortunate cases in that we were permitted to settle in Hong Kong.

The time in the refugee camp

The word ‘freedom’ means a lot to me for without it there is little we can do in our lives. The daily topic of conversation was how to escape by climbing over the tall chain link fence. This was not only because we wanted freedom but also because we wanted to escaped from the life in the camp. The conditions in the refugee camps were terrible. There was theft and fights between the refugees every day. The hygiene conditions were also horrible. If winning the Mark Six (the local government lottery) is the dream of every Hong Konger then gaining freedom in a third country was the dream of every

Vietnamese refugee. It was not uncommon for people to commit suicide when they learned that they were to be repatriated. I can understand how they felt because some of them had been in the camp for many years. They had spent their whole life saving to come here to seek a better future only to find that their hopes and dreams had been crushed. The feelings of hopelessness and helplessness were prevalent, especially for the children. The only thing we could do was wait and hope.

Life outside of the camp

When I was a teenager, I seldom told others of my nationality and where I was born because I was ashamed of being Vietnamese. Even today there are lots of negative impressions of Vietnamese; that we committed terrible crimes, wasted the country's resources and simply dumped our burden on society. On several occasions I heard of the reactions that some people faced when they revealed that they were from Vietnam.

"The anxiety we experienced in the past has evaporated and we now have new hopes and dreams. At the same time these new hopes and dreams make us realise the gratitude we have towards the people and government of Hong Kong."

However, it is no exaggeration to say that we faced real difficulties over the language barrier and racial discrimination. I was unable to enter a school because I was older than the other students. My life was set back four years during the time I spend in the refugee camp. There was only sorrow, hopelessness, depression and tension during those years.

I began to search for meaning of life and realised that education was the only the way out of the darkness. But that gate remained closed for long period. The situation was grim, I experienced a sense of emptiness and felt as if I had no strength with which to overcome the difficulties life presented. Like many people we had dreams and it was only those dreams that kept us going and prevented us from remembering the pain of our daily lives.

Meanwhile, my mother was unable to find a job because everything here was new to her; we were unable to find a house because people had grave concerns for their personal security and they were scared of Vietnamese. There was no support from the government for people like us. If there was it was well hidden and we had no idea of how to access it. It is truly ironic that for the first two years



Hazel Le with her mother inside the camp – Photograph provided by Hazel Le

we have to depend on financial assistance from our family in Vietnam.

There was a time when I wished I could return to my homeland, because at least we would not have to face all these obstacles and the discrimination. My mother is a strong and energetic woman, she insisted that at least we make the effort to live here because deserved the freedom that we had been fighting and waiting for, for so long. So we made every effort to survive in this new environment. Once she able to get a job in a restaurant, she immediately sent me to a private education centre to learn Chinese and English. Meanwhile, we kept relocating very often, because the landlords kept increasing our rent just because we are Vietnamese.

When I wasn't attending lessons most of the time I was stayed at home with the lady landlord who prepared lunch and dinner for me as my mother paid her to take care of me. In my childhood I did not have much in the way of entertainment, what little I did have consisted of the television we had in our room. I loved watching television and that is one reason why I can speak very fluent Cantonese. After striving for two years I was qualified to enter the fourth grade of the local school.

I grew up in Hong Kong and I have 'established' my life in this city. I belong to it; it has become a part of me. After being here for decades, I believe I'm a 'Hong Konger' rather than a Vietnamese because really, I know so little about Vietnam. In Hong Kong, we have strived hard to build our home and our future, and the space we set aside for us to find the meaning of life made us realise that we love this city. The anxiety we experienced in the past has evaporated and we now have new hopes and dreams. At the same time these new hopes and dreams make us realise the gratitude we have towards the people and government of Hong Kong.



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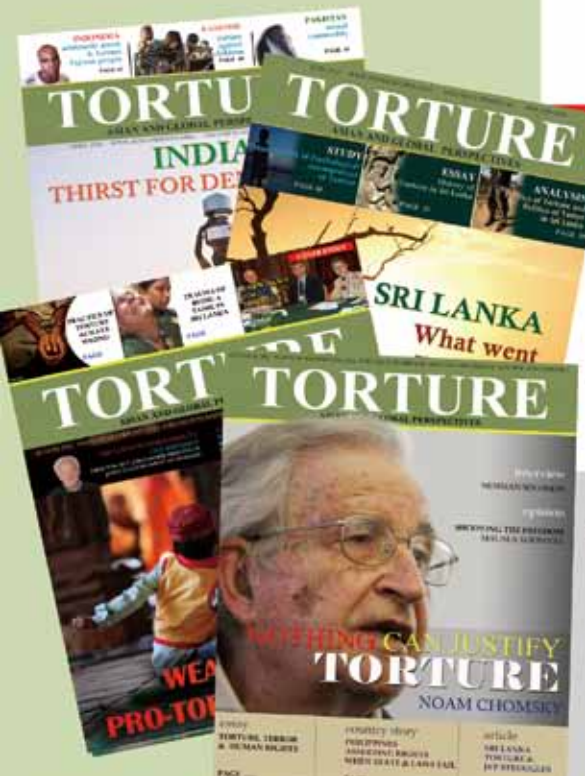
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SPECIAL REPORT

A facade of justice for torture victims in Indonesia

In this edition of Article 2 (Vol. 12, No.2 June 2013) we have the first special report on the practice of torture in Indonesia. The report examines whether or not the criminal justice system in Indonesia affords effective remedies for victims of torture. It analyzes seven torture cases on which the court has rendered judgments on the issue of remedy, reparation and rehabilitation.

The report also contains three articles that examine and comments on the practice of torture in Indonesia today and its relation to the country's authoritarian past. It also includes interviews with victims of torture and enforced disappearances and members of their families. About 40 select cases of torture, custodial deaths and extrajudicial killings are also included.

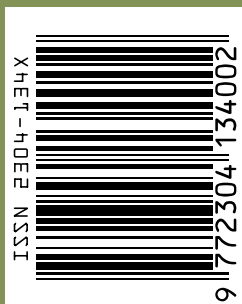
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