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Torture Is Not The Answer To Terrorism – OpEd

By Manoj Joshi

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The US Senate Intelligence Committee's report on torture by the CIA, published earlier this month, was reported faithfully by the Indian media. But unlike the West, where the issue has rocked the system and is being debated and discussed in great detail, the story in India has quickly moved on.

The reason is not too difficult to see. Torture is routine in India. From the thana policeman investigating petty theft, to the intelligence officer interrogating a suspected terrorist, no one thinks twice about it. India has signed the UN Convention on Torture in 1997, but has yet to ratify it. But it is party to the International Covenant on Civil and Political Rights (ICCPR), which prohibits torture and other forms of cruel, inhuman and degrading treatment, and it has also ratified the four Geneva Conventions of 1949, whose Common Article 3 applies to internal conflict and prohibits murder, torture and ill-treatment of non-combatants by both the government and the militant forces. But all this matters little.

One of the more embarrassing revelations from the Wikileaks cables was an International Committee of the Red Cross (ICRC) report based on authorised visits to detention centres and jails in India which spoke of widespread torture, including electrocution, beatings and sexual humiliation, of prisoners in Jammu & Kashmir by the security forces.

As per an MOU with the government of India in 1995, the ICRC was permitted to visit prisoners in J&K, but it was to communicate its findings to the Government of India. But frustrated by GOI's inability to check the torture, which the ICRC had been reporting since the mid 1990s, the outfit briefed American diplomats on the issue in the mid-2000s. The ICRC's report was the outcome of as many as 177 visits to detention centres, between 2002-2004 and meetings with nearly 1,500 detainees.

The cable in which the diplomats reported to headquarters formed part of the massive trove of documents that were leaked by a whistleblower to Julian Assange and the Wikileaks organisation.

In the Wikileaks report, the ICRC was reported as saying in its assessment, that the Government of India "condones" torture.

But what happens in Kashmir is only the tip of the iceberg. As it is, as per the ICRC, most of those tortured were not militants – only their supporters and civilians – the excuse often given for this disgraceful activity is that the forces are fighting militants and terrorists.

However, the reality is that torture is used across the country in various forms for even the most routine crimes in the place of professional police investigation. It is, of course, used against all militants, be they the Maoists or the insurgents in the North-east.

The reason why this happens is that there is a near total absence of any professional interrogation skills among the security forces and the absence of forensic inquiry. Investigation is based on interrogation and confession, which, fortunately, is not admissible in court as evidence. However, unfortunately, victims put through torture end up spending years in prison suffering permanent physical and psychological damage.

The sad fact, and this is not reported in any detail in the country, is that torture rarely achieves its ends. The CIA report has examined the issue in great detail and it concludes that the "enhanced interrogation techniques" produced no intelligence or they "fabricated information, resulting in faulty intelligence."

They looked at several cases, but in particular that of the two top Al Qaeda figures Abu Zubaydah and Khalid Sheikh Mohammed who, the Bush Administration claimed, had yielded information after being subjected to water-boarded or simulated drowning, that had led to the killing of Osama bin Laden. But, the Senate report cites Ali Soufan, an FBI interrogator who said that all useful intelligence had come through traditional non-violent questioning; torture had yielded nothing new.

The most striking testimony to the uses of traditional and non-violent interrogation comes from the experience of Britain in World War II. The official history of the MI-5, the country's internal security organisation, published a few years ago, and based on documents declassified in the 1970s and 1980s, reported that in no instance was violence used in dealing with German spies. Mind you, this includes the period in which Britain was with its back to the wall and threatened with a German invasion which would have led to tens of thousands killed and devastation of the

island nation. There was one instance of an officer who violently pulled the hand of a suspect; the officer was taken off the interrogation detail and transferred to another department.

Even more interesting were the memoirs of Lt Col Oreste Pinto, a Dutch military intelligence officer working for the British. His specialisation was the interrogation of refugees coming to UK and in *Spycatcher* published in 1952, he detailed the manner in which he was able to break the stories of spies through systematic interrogation. His work resulted in the exposure of eight spies.

Torture is morally degrading, and a detailed report by the US Senate committee has told us once again that it doesn't work. India claims to be a democracy with a civilisation going back millennia. It should also aspire to become a civilised democracy by putting an immediate legislative ban on torture. Only if such a ban is put in place will our police and security organisations have the incentive to develop the interrogation and forensic skills, which are far more efficacious in countering terrorism.