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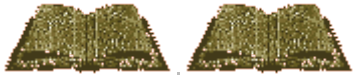

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A REFERENCE BOOK AS WELL AS A POLITICAL JOURNEY

The UN Committee against Torture: An Assessment *by* Chris Ingelse. Hard Bound, 6.5" x 9.5". Martinus Nijhoff, (An Imprint of Brill Academic Publishers), P.O. Box 9000, 2300 PA Leiden, The Netherlands. . . E-mail: marketing@brill.nl. Publication Date - July 2001 , xviii + 464 pp., ISBN 9041116508. Price EUR 110.00 / USD 101.00 / GBP 69.00

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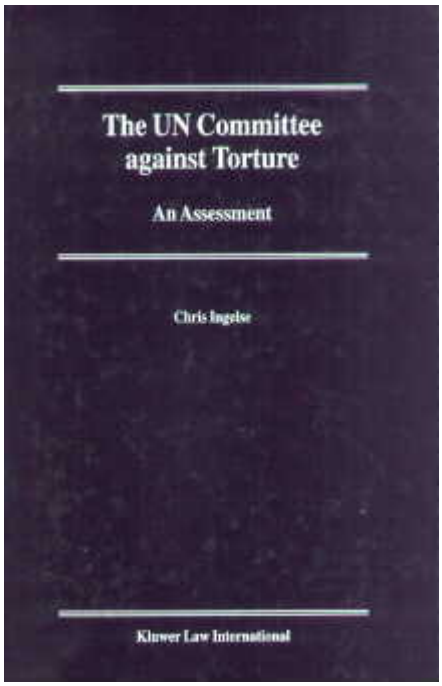

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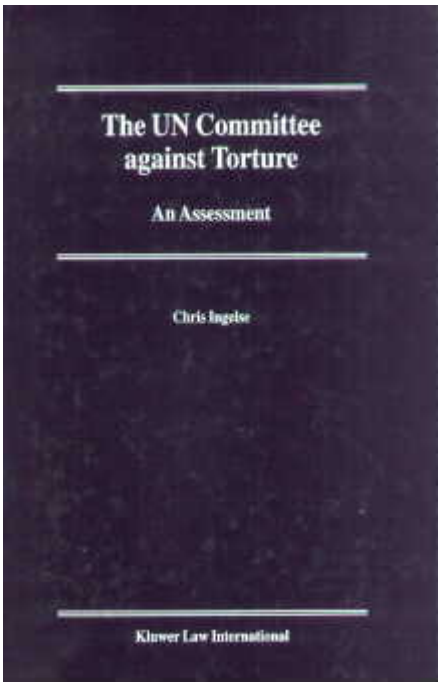

This study examines the role of the Committee in the development of the UN Convention against Torture. One of the findings is that the Committee against Torture has gained authority through its independent and quasi-judicial performance and activities. However, most of these activities did not go beyond the activities already undertaken by the UN Human Rights Committee, which had been in operation for many years previously. The practice of the Committee against Torture showns *en passant* the achievement of the Human Rights Committee and the success of 'soft' procedure of international supervision.

I am always a little wary of any book that includes an 'Approach and Reading Guide'. This book however, benefits from this section of the introduction. Not surprisingly, this book concentrates on protecting and promoting human rights. The reader immediately gains an insight into the political

complexities of the way humans are treated in our world; and I have to say that it is very frightening.

1948 saw the introduction of an international ban on torture. A ban that seems to have been widely ignored in many parts of the world. One soon realizes that what actually constitutes torture is the issue! The struggle is not just against torture but also cruel, inhuman or degrading treatment or punishment.

This study is complex in parts although it would be the ideal text and reference book for those who are contemplating further study or research. It is very detailed and one soon becomes aware of the wide and diverse scope of the author's work including:

1) Reporting procedure

2) Inquiry procedure

3) Complaints procedure

View this book on Amazon

The debate contrasting "Law and Justice" is interesting but the views presented in the introduction are fundamental to the understanding of this book. I found them most thought provoking. It may well be an obvious statement that "The state derives its authority from its citizens." Perversely then, does the torture and harsh treatment of its citizens occur in their name and their unspoken authority?

A historic overview soon dispels any myths as to modern legitimacy. I am sure that we all agree that torture is considered an illegal act but it still continues in so many parts of the world. The importance of torture in early judicial systems present the reader with views rarely considered. Exemptions for the wealthy middle classes and xenophobic attitudes, which accept torture, certainly are issues that I had never considered. It is here that the law of evidence was shaped and the roots of forensic attitudes began.

This book skilfully explores many political issues which I am sure would shape and influence political appreciations. The work of the UN and Amnesty International is high lighted and 60 states are named by these committees who are believed to be 'active' in torture. The Committee against torture consists of ten experts and this is the smallest of the treaty bodies. The structure of the UN committee and its activities are provided for the reader, including their meeting order and the secretariat structure.

...The book also explains in detail how complaints are processed. I found it surprising that a large number of complaints were against states where torture and cruel, inhuman or degrading treatment or punishments are generally not frequent and examples are provided...

The book also explains in detail how complaints are processed. I found it surprising that a large number of complaints were against states where torture and cruel, inhuman or degrading treatment or punishments are generally not frequent and examples are provided. Many of these were from asylum seekers who stated that they risk torture and no doubt death in some cases if they if they were repatriated.

Some discussion considers some specific countries and provides a detailed definition of torture. This includes Islamic corporal punishment; amputation, castration, sterilization, blinding etc,

which is reported as without doubt, qualifying as inhuman and/or cruel punishment. Many other countries are found wanting and their number is surprising.

Discussions examine and question what actually constitutes cruel and inhuman treatment. Consideration is given to the question of capital punishment and debates if indeed this punishment is actually cruel and inhuman. The real point here is how it is actually administered in some countries. One can imagine the debate that this issue alone will inspire!

Criminal enforcement is discussed and some very topical cases are mentioned. Personally this chapter did not convince me that prosecutions are a real threat to those who torture and administer death. Certainly it opens up a huge psychological aspect and you really need to read this book to make up your own mind. Similarly chapter 12, 'Victims of Torture', stimulates lots of controversial points such as compensation for the families of those who are tortured and then subsequently die. The reader can soon see the complications that will ensue. What a tangled web!

This book recognises the complications and politics of the whole subject and will stimulate the reader and perhaps shape thoughts and opinions. I cannot say that it is an easy book to read, but then that is not what it sets out or purports to be. It is a source of information and a reference book as well as a political journey. It is a must for anyone who wishes to pursue a subject area that is often considered taboo. Students in many fields will find this book very stimulating and essential to their work.



-John Williamson
John Williamson is on the editorial board of this journal. More information about him can be obtained by clicking here.

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