

Australian attorney-general insists sleep deprivation is not torture

Richard Phillips
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The Howard government's assault on basic democratic rights hit a new and ominous low last week when Attorney-General Philip Ruddock told the Australian Broadcasting Corporation that he did not regard "sleep deprivation as torture". Appearing on ABC-TV's "The Insiders", Ruddock claimed that sleep deprivation was merely "coercive" and had never heard of it being described as torture before.

Ruddock's statement was made after high-level discussions in Washington with US Attorney General Alberto Gonzales about the recent Military Commissions Act 2006 and the future military trial of David Hicks, an Australian citizen incarcerated in Guantánamo Bay since January 2002. It constitutes an unambiguous attack on Article 3 of the Geneva Conventions, which defines "outrages of personal dignity, in particular humiliating and degrading treatment" of PoWs as torture and war crimes.

Notwithstanding his bogus claims, sleep deprivation is one of the cruelest forms of torture and is regarded as such by the Red Cross, Amnesty International and every relevant international legal and human rights body, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), to which Australia is a signatory.

In 1997, the United Nations Committee Against Torture categorically ruled that extended sleep deprivation was torture. Moreover, the US State Department's "Country Reports on Human Rights" between 2000-2002 denounced several countries, including Burma, Egypt, Eritrea, Iran, Iraq, Jordan, Israel, Pakistan, Saudi Arabia and Turkey, for using this technique and explicitly described it as torture.

Sleep deprivation limits the ability of red blood cells to carry oxygen to the brain, causing lapses in memory, lethargy, intense pain and serious long-term psychological effects. Victims of the technique become delusional, suffer hallucinations and other psychotic effects. Medical experts have also pointed out that it can cause brain damage, induce diabetes and other debilitating health conditions.

John Schlapobersky, who was tortured in apartheid South Africa during the 1960s and is now a consultant psychotherapist to the Medical Foundation for Victims of Torture, told the BBC in 2004 that: "Making a programme in which people are deprived of sleep is like treating them with

medication that will make them psychotic.... It is the equivalent of bear-baiting, and we banned that centuries ago.

"I was kept without sleep for a week in all. I can remember the details of the experience, although it took place 35 years ago. After two nights without sleep, the hallucinations start, and after three nights, people are having dreams while fairly awake, which is a form of psychosis.

"By the week's end, people lose their orientation in place and time—the people you're speaking to become people from your past; a window might become a view of the sea seen in your younger days. To deprive someone of sleep is to tamper with their equilibrium and their sanity."

US history professor Dr Alfred McCoy's recent book, *A Question of Torture: CIA Interrogation, from the Cold War to the War on Terror*, provides a detailed analysis of how Washington spent millions of dollars during the post-WWII period researching and refining sleep deprivation and other torture techniques.

The CIA codified these methods in its KUBARK training manual in 1963 and used it to train hundreds of police and intelligence officers from Latin America and other countries during the 1960s and 70s.

The manual explains that interrogators aim to instill in victims a sense of "debility, dependence, and dread". This is achieved by "homeostatic derangement, fatigue, pain, sleep loss or anxiety", which produces "regression of the personality" in the prisoner and "a kind of psychological shock or paralysis" required for "the dissolution of resistance".

Amnesty International, the New South Wales Council for Civil Liberties and former PoWs immediately condemned Ruddock's statement.

Cyril Gilbert, now 86-years-old, was a prisoner of war in Thailand during WWII and a victim of sleep deprivation torture by the Japanese military. He angrily denounced Ruddock in Sydney's *Daily Telegraph*.

"You don't know whether you're coming or going [with this torture]," he said, explaining that it was one of the worst techniques used by the Japanese military.

"I was lucky that I was only kept awake for a couple of days at a time. Others were kept awake a lot longer than that," Gilbert explained. "He's [Ruddock] never experienced

anything, has he?”

A somewhat shocked Queens Councillor David Bernie and vice president of the New South Wales Council for Civil Liberties told the *World Socialist Web Site* that Ruddock’s claims were “incredible, especially coming from the attorney-general of what is supposed to be a democratic nation.”

“Ruddock seems to be saying that if you don’t leave any physical marks on prisoners then it’s okay, but sleep deprivation, which is used with sensory deprivation techniques, can make people totally dysfunctional. To say that this is not torture is outrageous and shows just how basic democratic values are being thrown away in this so-called war on terror.

“This is music to the ears of every dictator in the world and a green light for any government to accuse someone of terrorism, or supporting terrorists, and then torturing them, claiming that it’s necessary to discover possible future violent acts,” he continued.

“Australia is a signatory to the Convention against Torture. Is Ruddock suggesting that Australia should pull out of this convention?”

Bernie remarked that while the NSW Council for Civil Liberties would continue to publicly condemn Ruddock’s comment, there was no opposition from the Australian Labor Party leadership.

“It’s a real indictment of the federal opposition,” he said, “that they don’t want to say anything about this. Unless these questions are followed up in parliament nothing more is heard.

“Last year we had the extraordinary position of [Labor leader] Beazley on the government’s anti-terrorism bill, where he told caucus to support the legislation even though he had not even seen its provisions. On these issues there has obviously been a decision made in the ALP that they will not take on the Howard government. This is a very dangerous situation.”

This observation is important. Ruddock’s statements elicited little response from any of the opposition parliamentary parties—Labor, Greens or the Democrats—which have all embraced the Bush administration’s “war on terror” and accommodated themselves to the Howard government’s assault on basic rights.

Predictably, Beazley did not even bother to issue an official press statement, leaving it to Labor’s shadow attorney-general Nicola Roxon to make a few perfunctory remarks. Roxon issued a mealy-mouthed appeal to Ruddock to assure Australians that the government “remains opposed to all forms of cruel and degrading treatment”.

Greens leader Bob Brown’s web site carried a three-sentence statement opposing the attorney-general’s claims and condemning Ruddock for “dumping long-held Australian values”.

None of these parties has demanded Ruddock be sacked over his repudiation of the Geneva Conventions or that he and his fellow government ministers be charged with war crimes over their active support for Washington’s illegal imprisonment and

torture of David Hicks and the now-released Mamdouh Habib.

Ruddock’s claims that sleep deprivation is not torture is in line with his political record. As Howard’s minister for immigration from 1996 until mid-2003 he was notorious for stripping asylum seekers of their basic legal rights, describing them as “queue jumpers” and potential terrorists.

During this time the Howard government used military warships to turn back sinking refugee boats. Thousands of asylum seekers—men, women and children—were treated like criminals and incarcerated in virtual concentration camps in Australian desert regions or removed to imprisonment in Nauru and other South Pacific islands. Appointed attorney-general in 2003 Ruddock has spearheaded the Howard government’s attack on long-standing basic rights and legal principles. His attitude to sleep deprivation raises questions about what cruel and illegal practices he has already sanctioned, and what is being planned for the future.

While Hicks and Habib were being subjected to various forms of torture in Guantánamo and elsewhere, the Howard government was praising Washington for its treatment of the two Australians and publicly claiming that they were in good health and being treated well.

Ruddock’s claims about sleep deprivation received wide publicity, but another even more serious and chilling comment by the attorney-general has been virtually ignored.

Ruddock told the ABC he was concerned about Washington’s new legislation, which reestablishes military kangaroo courts and gives President Bush exclusive power to interpret the Geneva Conventions and declare virtually anyone an enemy combatant, incarcerate them and suspend their basic legal rights, including habeas corpus. According to the attorney-general, however, the new law is too restrictive and “may well limit the capacity of intelligence organisations in the future.”

In other words, the repressive new American legislation does not go far enough. Would Ruddock like all bans on the use of torture to be lifted?



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