

# SILENCING TORTURE<sup>1</sup>

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Torture by state officials is a regular occurrence.<sup>2</sup> Between 1997 and 2000, torture was applied systematically in 70 countries and employed by three quarters of the world's governments.<sup>3</sup> Torture, however, is also commonly recognised as unacceptable. The 1984 UN Convention against Torture,<sup>4</sup> for instance, establishes that it is an act that can never be justified. In this context, human rights organisations have promoted campaigns to end torture, and there is a continuing trans-national engagement to deal with torture and other violence inflicted by states through mechanisms such as truth commission bodies,<sup>5</sup> ad hoc tribunals<sup>6</sup> and the International Criminal Court.

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- 1 A much extended version of this article was published in (2004) 16(1) *Current Issues in Criminal Justice* 5.
  - 2 International legislation details that torture is an act of severe pain or suffering, whether physical or mental, "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" (UN Convention against Torture, Art 1.1).
  - 3 Amnesty International *Take a Step to Stamp out Torture* (Amnesty International, London, 2000).
  - 4 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984.
  - 5 Over the last 30 years, there have been over 20 truth commissions around the world (including Argentina, Bolivia, Chad, Chile, El Salvador, Ethiopia, Germany, Guatemala, Haiti, Philippines, Rwanda, Sierra Leone, South Africa, Timor Leste, Uganda, Uruguay and Zimbabwe). Their popularity has grown significantly over the last decade and some (e.g. the South African Truth and Reconciliation Commission) have made international headlines.

This article has emerged out of criminological research on the successes and weaknesses of truth commissions as a means to deal with torture. In particular, it has developed out of a specific research project<sup>7</sup> on Chile, a country whose population suffered gross human rights violations at the hands of the Pinochet regime (1973-1990): the official estimates indicate that 3,178 individuals died or ‘disappeared’ as a result of human rights violations and that state officials tortured between 50,000 to 200,000 individuals during the dictatorship.<sup>8</sup> During the regime, torture was a “universal feature of detentions”, an “unquestionable fact” that was “commonly used”.<sup>9</sup>

From this time, Chile has continued to struggle with the issue of justice in the national and international arena. It has been credited, however, with having had a relatively successful commission process to deal with the issue of ‘truth’. The Chilean National Commission on Truth and Reconciliation (the ‘Rettig Commission’) that was established in the transition to democracy is widely perceived as having had a profound effect on Chilean society as it exposed the truth about the systematic and gross nature of violations undertaken by the military and the security police against innocent people. Nevertheless, there is still deep uncertainty within Chilean society on the extent, nature and legitimacy of violations undertaken by the Pinochet regime. This is particularly so with regards to torture as the Rettig Commission only examined cases that ended in death, omitting those cases where victims survived. Unsurprisingly, this has left many torture survivors feeling embittered; those who have spoken out about torture often reiterate that for decades their lives have been hidden from history. Chilean survivors of torture who have been interviewed by the author have repeatedly highlighted this bitterness. As Rosa commented, “Unfortunately, the

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6 Such as the International Criminal Court for the Former Yugoslavia, the International Criminal Court for Rwanda and the UN Special Panel for Serious Crimes in Timor Leste.

7 This project has run from 1998 to the present day. Most of the testimonies for this article were collected during a research visit to Chile, September to October 1999. Interviews have also been undertaken with Chilean nationals in the UK from 2000 to 2002. On requests from participants, names have been changed.

8 Priscilla Hayner *Unspeakable Truths: How Truth Commissions Around the World are Challenging the Past and Shaping the Future* (Routledge, London, 2001).

9 Rettig Report *The Report of the Chilean National Commission on Truth and Reconciliation* (trans: P.E. Berryman) (University of Notre Dame Press, Notre Dame, 1993) 133-136.

problem with the Commission was that they didn't acknowledge all the victims and therefore it was a one-sided, incomplete truth". Isabel was more direct with her thoughts, "In Chile, I sometimes think that you are better to be dead."

In Chile, then, torture has remained hidden. This can be attributed to the limited official recognition of torture, yet there are other reasons for the silencing of torture which form the basis of this article. These explanations include the closed attitude taken by involved state officials in the aftermath of the regime and the reticence of torture survivors to individually speak out on their treatment. Before progressing to this material, however, it is useful to first briefly consider the global context of torture.

### **I The Global Context of Torture**

Torture is often rationalised by states as an unpleasant but necessary means to an end, a tool to obtain information or talk about threatening people, events or organisations.<sup>10</sup> This justification dominates common assumptions, yet torture has other recognised uses, all of which relate to aspects of state control over populations. Torture can be applied as a means for state officials to obtain 'confessions'; as a public demonstration to others of state power; to destroy collective cultural identities and affiliations; as a tool to outwit state opponents; and as a means to 'turn' people away from resistance to support for the state.<sup>11</sup>

It is perhaps not surprising, given such rationalisations, that torture often goes mis-recognised since torture engaged in by states is also denied and neutralised by states.<sup>12</sup> As such, torture is euphemistically renamed as 'crime fighting', 'intensive questioning', 'challenging conditions' or 'counter-terrorism'. In effect, torture becomes recognised as something else.

In addition, those caught up in torture as perpetrators or victims are also subject to mis-recognition. Under the rhetoric of state security and social

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10 This understanding is re-iterated through international legislation, see footnote 2.

11 Darius Rejali *Torture and Modernity: Self, Society and State in Modern Iran* (Westview Press, Boulder, 1994); Françoise Sironi and Raphaëlle Branche "Torture and the Borders of Humanity" (2002) 54(174) *International Social Science Journal* 539.

12 Stanley Cohen *States of Denial: Knowing About Atrocities and Suffering* (Polity, Cambridge, 2001).

good, those who are deemed to oppose the state are subject to ideological censure at an official level.<sup>13</sup> The targets for torture are variously denoted as ‘terrorists’, ‘subversives’ and the ‘unruly’. Alternatively, they are described as being outside human existence altogether – as ‘cockroaches’, ‘rats’, ‘worms’ and ‘vermin’. Under such representations, those tortured are seen as bearing some blame for their treatment; in stepping outside state, societal and human interests, the victim ‘deserved’ it.<sup>14</sup>

Through this mis-recognition, torture is engaged in as an ideologically legitimate enterprise and a ‘just cause’ within specific political contexts. As such, torturers are rarely recognised *as* torturers in official discourse. They too become something else – ‘security agents’, ‘crime fighters’, ‘anti-terrorist agents’. Under notions of “rationality, instrumentalism and science”,<sup>15</sup> torturers are re-assigned as professionals deserving of national awards, career enhancements and standing privileges.

Moreover, at a global level, torture and torture survivors tend to go unrecognised, ignored altogether. Through an array of international human rights instruments and bodies (including the UN Convention against Torture, the Universal Declaration of Human Rights, the International Covenant of Civil and Political Rights, three regional mechanisms,<sup>16</sup> a Special Rapporteur and a focused UN Committee), torture is universally condemned.<sup>17</sup> It is one of the few rights that is universally applied and cannot be derogated from. Despite this machinery, “torturers are very rarely punished, and when they are, the punishment rarely corresponds to the severity of the crime”.<sup>18</sup>

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13 This argument could certainly be applied to those detained as suspects in the current ‘global war’ against terror, for example at Guantanamo Bay and under preventative legislation in the UK and other liberal democracies.

14 Martha Huggins ‘Legacies of Authoritarianism: Brazilian Torturers’ and Murderers’ Reformulation of Memory’ (2000) 27(2) *Latin American Perspectives* 57.

15 Martha Huggins, Mika Haritos-Fatouros and Philip Zimbardo *Violence Workers: Police Torturers and Murderers Reconstruct Brazilian Atrocities* (University of California Press, Berkeley, 2002) 74.

16 Specifically the European Convention on Human Rights, the American Convention on Human Rights and the African Charter on Human and Peoples’ Rights.

17 Javaid Rehman *International Human Rights Law: A Practical Approach* (Pearson Education, Harlow, 2003).

18 John Conroy *Unspeakable Acts, Ordinary People* (Vision, London, 2001) 228.

Together with the fact that torture is infrequently reported in the media and is seldom the subject of academic debate or political discussion,<sup>19</sup> survivors of torture are left with limited ideological or pragmatic support; in the wake of their suffering, they receive little recognition for the crimes inflicted against them.

Within this global context of mis-recognition and un-recognition, “torture attempts to accomplish ... solitude ... (its) stark lesson is precisely ... enveloping silence”.<sup>20</sup> This production of silence will now be addressed with a focus on the repression in Chile.

## II The Silence of Torturers

Torturers tend to remain silent about their activities.<sup>21</sup> This is unsurprising, as most perpetrators and their government superiors would not want to draw attention to institutional contraventions of international human rights law. It is also understandable given the circumstances detailed above in which torture is linguistically constructed as something else; that torturers may not necessarily identify themselves *as* torturers.

In Chile, as in other torturing states, the main perpetrators (the military and security police) have kept quiet. In fact, for the Chilean perpetrators, torture does not really exist – it is rarely spoken about and if allegations are posed, they are just deemed to be one-off events. One Pinochet supporter, Bernardo, commented, “... you have to remember, my dear, that such acts were only undertaken in very urgent circumstances. They were unusual events.” This “very close and impenetrable circle”<sup>22</sup> in which torture has been hidden has been almost impossible to counter. As Chilean President, Ricardo Lagos, admits, three decades on from the start of repression, “many people who have information are still sunk in a cruel and persistent silence”.<sup>23</sup>

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19 Albeit the small surge in debate regarding the treatment of prisoners held by the United States at Guantanamo Bay, Cuba and at Abu Ghraib prison, Iraq.

20 Lawrence Weschler *A Miracle, A Universe: Settling Accounts with Torturers* (University of Chicago Press, Chicago, 1998) 238.

21 Mika Haritos-Fatouros *The Psychological Origins of Institutionalized Torture* (Routledge, London, 2002); Huggins and others *Violence Workers*, above.

22 Interview with author, Alejandro Gonzalez, Head of the Corporación Nacional de Reparación y Reconciliación (Santiago, September 1999).

23 BBC News “Chile to Pay Torture Victims” (13 August 2003) <http://www.news.bbc.co.uk> (last accessed 25 October 2004).

The closed attitude taken by involved state officials reflects a typical, self-protective response from torturing institutions across the world. What is perhaps surprising is that survivors also regularly maintain silence. Those who speak out about their experiences of torture are not typical.

### III The Silence of Survivors

Many survivors of torture remain silent about their experiences. This is the case in Chile. The reasons for this silence, to which this paper now turns, are varied and encompass: the difficulties in communicating pain; the problems of devalued identities; desires to protect the self and others; attempts to manage identities; and confusion in the recognition of their perpetrators' 'humanity'.<sup>24</sup>

#### A *Communicating the pain of torture*

Torture is an attempt by the state to get individuals to use their voice against themselves and against others. As noted above, the common sense understanding of torture is that it operates to get information out of individuals. From this perspective, it is thought that an act of torture will end when the victim speaks and when the torturers are satisfied they have all the information they need. Yet the 'voice' of the tortured person is directed and destroyed by the torturer. Through the application of pain, torturers seek to control who says what, when and how. As Elaine Scarry details:<sup>25</sup>

*[T]orturers ... mime the work of pain by temporarily breaking off the voice, making it their own, making it speak their words, making it cry out when they want it to cry, be silent when they want its silence, turning it on and off ...*

For the torturer, "making them talk" is about power, about imposing one's will on another".<sup>26</sup> For the tortured, "to be silent or to speak may constitute

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24 Of course, those who have spoken out have guided these stated reasons. As such, there will be gaps in this paper. Those who have not yet vocalised their experiences of torture in Chile will probably have alternative views on their personal silence.

25 Elaine Scarry *The Body in Pain: The Making and Unmaking of the World* (Oxford University Press, Oxford, 1985) 54.

26 Ronald Crelinsten "In Their Own Words: The World of the Torturer" in Ronald Crelinsten and Alex Schmid (eds) *The Politics of Pain: Torturers and their Masters* (Westview Press, Boulder, 1995) 37.

the difference between life and death” but the voice is the only thing to control.<sup>27</sup> Consuelo Rivera-Fuentes, a Chilean survivor, explains it like this:<sup>28</sup>

*I have chosen **my** silence, my silence of thoughts, **my** silence of actions, the silence of my heart pumping blood silently through my body, making me live in spite of **my** silence and of the face of death (emphasis in original).*

For Rivera-Fuentes, silence is something to own; it is a chosen form of resistance.

In this context, talking about torture is repeatedly demonstrated to be difficult. Moreover, as others have argued,<sup>29</sup> the failure to communicate about torture is representative not just of the destruction of the ‘voice’ or knowledge of the survivor, but also of a failure in spirit of the listeners. That is, stories of torture are subject to silence as survivors further sense that listeners cannot take in their account of what happened. As such, the silence of torture could be attributed to the way in which audiences shut out or do not hear difficult stories. Alejandro explained it like this: “In Chile, people have not wanted to hear about torture or political prisoners. It is too much for them to take in.”

Communicating the pain of torture can then be seen in terms of personal struggles to find the language to reflect experiences of violence, but it can also be linked to the wider societal and institutional reticence to hear painful or chaotic stories that challenge common sense notions of state protection.

### **B Who wants to believe the implicitly guilty?**

During the dictatorship, the junta espoused the economic and political interests of the ‘free market’ while denigrating ‘communism’ at every turn.<sup>30</sup>

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27 Inger Agger and Soren Buus Jensen *Trauma and Healing under State Terrorism* (Zed Books, London, 1996) 82.

28 Consuelo Rivera-Fuentes and Lynda Birke “Talking With/In Pain: Reflections on Bodies under Torture” (2001) 24(6) *Women’s Studies International Forum* 653, 656.

29 Veena Das “Language and Body: Transactions in the Construction of Pain” in Arthur Kleinman, Veena Das and Margaret Lock (eds) *Social Suffering* (University of California Press, Berkeley, 1997); Darius Rejali “Modern Torture as a Civic Marker: Solving a Global Anxiety with a New Political Technology” (2003) 2(2) *Journal of Human Rights* 153.

30 Ricardo Trumper “‘Healing’ the Social Body: Silence, Terror, and (Re)Conciliation in Neoliberal Chile” (1999) 24 *Alternatives* 1.

This ideological backdrop underpinned the management of recognition of those victimised by the regime. Those who suffered state violence were effectively represented as “political monsters”.<sup>31</sup> As Viviana explained: “during the military government these people, the victims of repression, were always referred to as criminals, terrorists, communists ... subversives ... so people did nothing.”

Such representations, instilled in the common psyche through political talk, media reporting and state institutional action, bear a legacy that is hard to shift, even in the light of wider societal transition. It is still not unusual in Chile to come across those who argue “they were tortured, but they must have done something!” In these minds, those who suffered under the regime must carry some responsibility for state violence. This mis-recognition of the implicitly guilty also made violations, like torture, acceptable and necessary. As Paz Rojas puts it: “to eliminate the enemy ... (was) an act of honour, of courage, there (was) no guilt ... you (were) saving the Western world, the values of society ... the economy, freedom, justice.”<sup>32</sup>

The official management of recognition therefore underpinned a support for violations. Acts such as torture were officially represented and socially registered as a ‘necessary evil’ against the implicitly guilty. And, one could argue, who wants to listen to those who are implicitly guilty?!

This situation is compounded by the fact that most survivors have no proof, they have no physical representation of their pain. Techniques of torture are employed to leave few physical traces, conceal evidence, suppress records and disorient victims. With limited evidence and an unclear presentation of events, the survivor can find that their authority as a credible witness is diminished.

### **C      *Protection***

Despite the common idea that torture is used solely as a means to extract information, Chilean torturers often knew all about their victims’ lives and used torture as a way to demonstrate the ‘all-seeing-eye’ and the power of the state. Officials engaged in torture to demonstrate to the victim and associates that *they* are watching, that *they* are in charge and can act at will.

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31 Stanley Cohen “Some Thoroughly Modern Monsters” (2000) 5 *Index on Censorship* 36, 39.

32 In Agger and Buus Jensen *Trauma and Healing under State Terrorism*, above 74.

Torture was used to send messages to individuals and communities. The words spoken by torturers as part of the violence – “if you tell anyone, we will be back” – live on with isolated survivors.<sup>33</sup> Becker and others detail the chronic fear that was embedded through the use of violence in every component of personal and social life during the Pinochet regime.<sup>34</sup> The message of repression that “anything can happen at any time, no matter who you are, what you think, or what you do”, served to “internalise terror and to privatize political violence”. The fear of becoming a victim oneself, or being re-victimised, contributed to a silence on torture.

This protectionist stance can also be highlighted in the survivors’ desire to ensure that others are not exposed to pain.<sup>35</sup> One Chilean survivor, Susana, detailed this attitude saying, “I just didn’t speak about it. I had a growing family. I wanted to keep normality for them. What could they do? They were young children. They didn’t need to hear this.”

Torture survivors may keep quiet to forget and protect, to place distance between themselves and the torture and to cope with the experience personally, quietly. Such reticence to speak could also be attributed to a desire not to create more fear among family and friends.

#### ***D Managing recognition of self***

The challenge to the state, through silence, can also be connected to the political motives of the torture survivor. Under state repression, those involved in resistance seek to undertake careful management of their social and political identity. Fiona Ross,<sup>36</sup> for example, highlights how those involved in the South African anti-apartheid movement often remained silent about their political actions and experiences. Resisters would not tell family

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33 Sironi and Branche “Torture and the Borders of Humanity”, above.

34 David Becker, Elizabeth Lira, María Castillo, Elena Gómez and Juana Kovalskys “Therapy with Victims of Political Repression in Chile: The Challenge of Social Reparation” (1990) 46(3) *Journal of Social Issues* 133, 136-7.

35 Ana Cienfuegos and Cristina Monelli “The Testimony of Political Repression as a Therapeutic Instrument” (1983) 53(1) *American Journal of Orthopsychiatry* 43.

36 Fiona Ross “Speech and Silence: Women’s Testimony in the First Five Weeks of Public Hearings of the South African Truth and Reconciliation Commission” in Veena Das, Arthur Kleinman, Margaret Lock, Mamphela Ramphele and Pamela Reynolds (eds) *Remaking a World: Violence, Social Suffering and Recovery* (University of California Press, Berkeley, 2001).

members of their role, and would demonstrate an ignorance of politics in the social sphere to manage their life under repression. These types of activities were evident in Chile, as survivors or those under threat of torture silenced their suffering to remain politically active.

This politically motivated silence is also linked to the attempts by the state to destroy collective affiliations and resistance. Torture frequently operates as a technique to create uncertainty and destroy trust within social groups. Torturers hope that the tortured are treated with suspicion. This can affect familial relationships, in that relatives may actually blame the victim for their situation,<sup>37</sup> but it also impacts on political relationships as no-one but the tortured and the torturer can be certain that the survivor did not give away vital pieces of information or know whether they were ‘turned’. As such, the survivor can represent the ‘enemy within’. Patricio Hales explained this point with regard to political resistance in Chile, stating that:<sup>38</sup>

*[T]here was a tremendous fear of betrayal. You never knew if someone was an informant, and you had to keep track of who had fallen, who had been released, and what they might have revealed.*

The sense that individuals could ‘betray’ others through torture, transforming “themselves into executioners of their own political beliefs and companions”,<sup>39</sup> could underpin survivors’ reticence to relay their experiences. To remain silent could, in these circumstances, be a strategy to bolster trust and cohesion within the political movement.

Politically, survivors might not wish to associate themselves with having been tortured. This distancing can, however, also be attributed to more personal reasons. For instance, while testimonies of torture can be viewed as ‘authenticating’ for some,<sup>40</sup> others see that having the social recognition of being a ‘victim’ brings its own repercussions. This point was highlighted by

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37 Ronald Crelinsten “The World of Torture: A Constructed Reality” (2003) 7(3) *Theoretical Criminology* 293.

38 In Pamela Constable and Arturo Valenzuela *A Nation of Enemies: Chile under Pinochet* (W.W. Norton and Company, London, 1991) 97.

39 Becker and others, “Therapy with Victims of Political Repression in Chile”, above 138.

40 Elinor Ochs and Lisa Capps *Living Narrative: Creating Lives in Everyday Storytelling* (Harvard University Press, Cambridge, 2001).

Isabel who stated: “It usually makes people want to mother you. I have never wanted that.”

Silence about torture can therefore be a management of recognition. Survivors may experience that the common assumptions that the society or culture assigns to the identity of the ‘torture victim’ are “completely or partially disconnected from the ongoing contexts of their lives”.<sup>41</sup> The assumptions made about what it means to be a torture ‘victim’ may create unwanted identity work for the survivor who speaks out.

Other Chilean survivors also indicated that they felt guilt that they survived when so many died under torture.<sup>42</sup> This shame, felt through the very act of survival, can also be associated with the feelings of humiliation that survivors often feel about their torture. Torturers employ acts that will dehumanise and degrade individuals; torture is often personally, socially and culturally distressing. The use of certain methods, such as sexual torture, can mean that the “experience of humiliation is so profound that silence seems the only answer”.<sup>43</sup>

### ***E Managing recognition of the ‘other’***

Much literature on torture depicts the distancing that occurs within torture. The distancing thesis proposes that perpetrators and victims of torture share no commonalities, no human connection – they are essentially ‘othered’. Within such arguments it is implied that there is no real association or relationship between the torturer and the tortured individual; it is not recognised that each participant shares the same humanity.<sup>44</sup> This argument might ring true in many cases, but it is clear that some survivors do sense that torture is a relational, human event. While torture involves the

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41 Veena Das and Arthur Kleinman (2001) ‘Introduction’ in Veena Das, Arthur Kleinman, Margaret Lock, Mamphela Ramphele and Pamela Reynolds (eds) *Remaking a World: Violence, Social Suffering and Recovery* (University of California Press, Berkeley, 2001) 5.

42 See also Marguerite Feitlowitz *A Lexicon of Terror: Argentina and the Legacies of Torture* (Oxford University Press, Oxford, 1998).

43 Becker et al, “Therapy with Victims of Political Repression in Chile”, above 139.

44 Michael Taussig *Shamanism, Colonialism, and the Wild Man: A Study in Terror and Healing* (University of Chicago Press, Chicago, 1987).

“dehumanisation of relations between persons”, survivors can also determine that those who inflict the pain and brutality are “also human beings”.<sup>45</sup>

This acknowledged ‘relationship’ between the torturer and the tortured is reflected in the daily interactions between perpetrators and their victims. From the literature on torture, it is evident that some torturers identify with their victims in humane ways. In Argentina, for example, one torturer known widely for his ‘effective techniques’ in the torture room took the opinion that detainees should be otherwise treated with dignity; as such, he bought toilet paper for detainees, brought in radios and supplied luxuries like pastries.<sup>46</sup> Other torturers have played card games with their victims, read to them, brought in televisions and watched sport with them. In South Africa, torturers took their ‘victims’ out for a KFC dinner in between torture sessions.<sup>47</sup> There are other cases where torturers even brought their young children in to meet the detainees.<sup>48</sup>

In most instances, this ‘closeness’ can be seen as a construction, it is part of the torture process itself. As Sironi and Branche note, torture is often undertaken through a “binary order” mechanism in which victims are faced with systematic alternation of emotions (a ‘good cop’, ‘bad cop’ routine) so that officials can establish an “obsessive, total regime”.<sup>49</sup> Brutal officials can suddenly become unrecognisable as friendly companions. In Santiago’s ‘La Venda Sexy’ torture house, for example, “periods of torture were often alternated with periods of relaxation, when the agents even acted friendly in order to obtain the information they wanted”.<sup>50</sup> This binary order mechanism exists arguably in most circumstances. Yet, in other situations, torturers and also survivors of state violence do see such ‘human’ activities as being outside torture. There is sometimes the recognition that connections between perpetrator and victim can be made.

From a torturer’s perspective, it could be argued that torture becomes assigned as just an isolated aspect of a professional life, a performance in

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45 Becker et al, “Therapy with Victims of Political Repression in Chile”, above 139.

46 Feitlowitz *A Lexicon of Terror*, above.

47 Elizabeth Stanley “Torture and the Professional Male”, paper in progress.

48 Feitlowitz *A Lexicon of Terror*, above.

49 Sironi and Branche “Torture and the Borders of Humanity”, above 541.

50 Rettig Report *The Report of the Chilean National Commission on Truth and Reconciliation*, above 488.

which the victim takes a secondary role. Under this perspective, their professional contributions are legitimate. From a survivor's perspective, such recognition may be a means to encounter violators as human beings and to make sense of their suffering at a personal level.<sup>51</sup> Such 'humane' acts may represent opportunities to see the torturer as an individual, not just as a 'sadistic animal'. This identification of the other can, though, lead to further confusion. One survivor, Victor, spoke about the impact of this recognition, stating: "For many years, I felt complicit guilt in the torture. It made me think that I had allowed it to happen". The perceived complicity in his own torture meant that he remained silent for many years about his experiences. The recognition of humanity of the 'other' can clearly weaken a survivor's means to cope with the situation.<sup>52</sup>

#### **IV Conclusion: Speaking Out**

In the Chilean context, it is evident that torture has been hidden through a web of personal, social and institutional decision-making. This situation has presented real confusion for survivors in Chile, impacting on their ability to speak out about their experiences. In the face of state repression and denial, survivors have often retreated into silence as a means to cope with their situation.

However, literature on torture repeatedly emphasises that 'speaking out' is the most effective therapeutic, healing technique for those who have suffered torture.<sup>53</sup> Speaking out can allow the tortured person to take control of their voice and the event. It can be a method of denunciation, a means to challenge complicity with the state. Speaking out can also provide a means to make sense of the self, for the individual to recognise and accept his or her own history and "realise the broader historical significance of their

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51 Pumla Gobodo-Madikizela *A Human Being Died that Night: A South African Story of Forgiveness* (Houghton Mifflin, Boston, 2003).

52 In the South African Truth Commission, perpetrators of torture happily drew on such recognitions to demonstrate their 'humane' demeanour towards their victims. Unlike survivors, the recognition of the 'other' may bolster a perpetrator's ability to cope.

53 Andrew Jefferson "Remembering and Re-story-ing – An Exploration of Memory and Narrative in Relation to Psychotherapy with Torture Survivors" (2000) 10(4) *Torture* 107; Cienfuegos and Monelli "The Testimony of Political Repression as a Therapeutic Instrument", above.

experiences”.<sup>54</sup> The recovery of the voice would seem therefore to be a central part of the healing process for torture survivors. Indeed, one of the reasons why truth commissions have become so popular as a means to deal with the past is that giving testimony in front of an official body can make those who suffered feel a bit better; speaking out in a public forum can help the individual healing process.<sup>55</sup> In exposing that those tortured were ordinary people, not ‘subversives’ or ‘terrorists’, stories also highlight the official mis-recognition of identities. Public recognition that violations were wrong can bring dignity to and re-humanise those who were targeted.

Under the right conditions, truth commissions can ensure that the silence on torture is broken. The Rettig Commission missed this opportunity. However, this situation may be open to change. In August 2003, President Lagos announced his government’s first major initiative to deal with the human rights violations committed under the dictatorship.<sup>56</sup> These wide-ranging proposals include a pledge to form a ‘Commission for Imprisonment and Torture’, to allow Chileans to testify on torture and political detention. Human rights groups have already indicated that more than 30,000 individuals want to participate in this process.

The impetus to create a Chilean commission to identify victims of torture demonstrates that these difficult issues do not dissipate in the long term; individuals will struggle to be heard and recognised. This Commission, if undertaken in the right conditions that pre-empt re-traumatisation, could bring real benefits to survivors by inverting “the rituals of power”,<sup>57</sup> creating a positive space for those previously silenced to speak and to have their identities and experiences formally acknowledged. However, as evidence from other transitional states indicates,<sup>58</sup> there is a warning attached to this Commission: to be effective in the long term, this mechanism must tread

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54 Harry West “Voices Twice Silenced: Betrayal and Mourning at Colonialism’s End in Mozambique” (2003) 3(3) *Anthropological Theory* 343, 350.

55 Hayner *Unspeakable Truths*, above.

56 See Human Rights Watch “Discreet Path to Justice? Chile, Thirty Years after the Military Coup” <http://www.hrw.org> (last accessed 2 September 2004).

57 Michael Humphrey “From Victim to Victimhood: Truth Commissions and Trials as Rituals of Political Transition and Individual Healing” (2003) 14(1) *The Australian Journal of Anthropology* 171.

58 Elizabeth Stanley “Evaluating the Truth and Reconciliation Commission” (2001) 39(3) *The Journal of Modern African Studies* 525.

carefully, ensuring relevant support structures are in place to support those who testify. The disruption of silence on torture in Chile will be less useful if it is not also tied to practical changes such as compensation, counselling support, health services, access to criminal justice and the cessation of torture in its present forms. Simply put, breaking the silence on torture cannot be an end in itself; it must be linked to further measures to assist torture survivors as well as change current state practices.

