



Torture and the quest for justice

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INTRODUCTION

Torture and the quest for justice

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Chair of REDRESS

Torture is recognised worldwide as one of the worst possible crimes. It is calculated extreme cruelty by those who are supposed to protect, and is meant to destroy the will of the individual and entire communities. Torture has been recognised not only as a crime under the UN Convention against Torture and related texts; the prohibition is recognised as a rule of customary international law that all states are bound to respect. It is morally wrong, undermines the rule of law and justice, and manifestly does not work. Yet, it is still prevalent in many countries, and even some with strong systems of law resort to it.

The response of some countries to the Arab Spring and the actions of the Syrian regime underlie this challenge. The lesson to me is simple. All countries need to recognise the illegality of torture, to enact domestic legislation and procedures to prohibit it, and crucially to ensure compliance.

The articles in this volume speak to the range of challenges facing torture survivors around the world: survivors are fighting to ensure that the horrific crimes they experienced are formally acknowledged, that the perpetrators are prosecuted and that they receive the remedies they deserve to move forward with their lives in dignity. None of these end goals should be beyond torture survivors' reach; International law is clear on the obligations of states. Yet the survivors continue to have to fight for their rights, and to push against the walls of indifference, misunderstanding and fear.

As will be seen by the different articles, the challenges to access justice and obtain effective remedies for the harm suffered do not only characterise the regimes where torture is endemic and where there is an absence of the rule of law. These challenges extend to countries which otherwise have strong legal systems and human rights protections but, in the name of national security or in other circumstances of exception, have failed to enable certain individuals or groups to avail themselves of their rights. They also extend to regional and international courts and tribunals, which themselves can suffer under the weight of their responsibilities and their procedures – too many applications, too many needy victims. In all this, the survivors can be standing alone, on the outside of systems not designed with them in mind and more concerned with the theory of justice than in its practical application. Moreover, justice for survivors is a necessary element for creation of a peaceful, stable state.

What drew me to REDRESS and what I believe is the organisation's strength is its commitment to stand alongside the survivor and champion their fight for justice, no matter how long or hard the battle. As the articles in this volume reveal, the battles are not easily won,

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but when there is progress, it tends to be groundbreaking. After 20 years of seeking justice for survivors of torture and working to eradicate the practice worldwide, how will REDRESS move forward? By re-doubling its efforts in the fight against torture, and by continuing to work, methodically, to break down each and every barrier that continues to impede access to justice. The job is not done, though we have come a long way.

I am grateful to Michael Birnbaum QC, Carla Ferstman and Lutz Oette for their work in pulling this volume together.