

8. ATENA DAEMI & THE PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT



The **Prohibition of Torture and Cruel, Inhuman or Degrading Treatment or punishment** (also referred to as torture and other ill-treatment) unit contains three possible activities: “Warm-up: Mythbusters”, “Activity: Understanding Torture and Other Ill-treatment” and “Take Action for Atena Daemi”. Depending upon the time available and the needs of students, teachers may choose to use either Warm-up or Activity, or both, before encouraging students in the final activity to “Take Action for Atena Daemi”.

8.1 BACKGROUND INFORMATION ON THE PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT

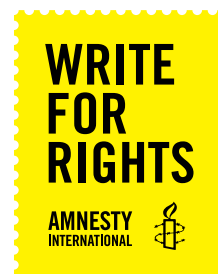
The **prohibition of torture** and other ill-treatment is absolute, meaning that there can never be any justification to subject a person to torture or other ill-treatment. It is also part of what is known as customary international law – which means that it is binding on all states, regardless of whether or not they have signed the treaty that contains the prohibition. Article 5 of the UDHR prohibits torture and cruel, inhuman or degrading treatment or punishment. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) is a human rights treaty dedicated to the prohibition of torture.

The existence of various definitions of torture and other ill-treatment under international law can be confusing, but there are common elements to most definitions of torture, namely:

- Torture results in physical and/or mental pain or suffering serious enough to be considered severe
- Torture is inflicted intentionally
- Torture is inflicted for a purpose or on the basis of discrimination
- Officials are involved, either directly or indirectly, in the infliction of torture

In many instances, it is not necessary to make a distinction between torture and cruel, inhuman or degrading treatment or punishment – all of these acts are absolutely prohibited under international law.





However, when a distinction is made, Amnesty International's position is that an act may constitute cruel, inhuman or degrading treatment or punishment rather than torture because it lacks any one or more of the following key elements: intention, purpose (or discrimination), or severe pain or suffering.

Examples of the types of conduct that can amount to torture or other ill-treatment include:

- Corporal punishment
- Inhumane prison conditions
- Rape, or other forms of sexual abuse, by state agents
- Making it illegal to have an abortion
- Threats of violence, which can inflict psychological suffering
- The death penalty

The prohibition of torture and other ill-treatment also means states are obliged not to send any person forcibly to another country or territory where she or he would be at risk of torture or other ill-treatment.

The teacher might consider using an activity found earlier in this Toolkit (section 5) introducing students to human rights before focusing on the prohibition of torture and other ill-treatment.

If you would like to explore this human rights issue further with your students, Amnesty International offers a free, online course: [The Right to Freedom from Torture](#). Amnesty International also offers a dedicated teaching resource on freedom from torture, "[Empower Against Torture: A Series of Human Rights Education Workshops](#)", and has published a manual, "[Combating Torture and Other Ill-Treatment: A Manual for Action](#)" to be used by HRDs, lawyers, judges, law enforcement officers and other public officials, legislators, health professionals and the media – or anyone else who wants to expose and eradicate torture.

8.2 ACTIVITIES: PROHIBITION OF TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT

OVERALL LEARNING OUTCOMES

Students will be able to:

Challenge dangerous myths about torture and other ill-treatment

Sympathize with victims of torture and other ill-treatment

Write a letter (or letters) in support of Atena Daemi

OVERVIEW OF ACTIVITIES

Warm-up: Mythbusters 15 MINUTES

Activity: Understanding Torture and Other Ill-treatment 55 MINUTES

Take Action for Atena Daemi 20 MINUTES



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WARM-UP

MYTHBUSTERS

TIME

⌚ 15 MINUTES

MATERIALS

Blank or scrap paper for each student

PLAN

1. Ensure all students have a piece of scrap or blank paper. Ask students to fold the paper in half, writing “FACT” on one side and “MYTH” on the other. Explain that you will read a set of statements about torture and other ill-treatment. It is the students’ role to be the mythbusters: they will hold up the “MYTH” side when they believe the statement to be false and will hold up the “FACT” side when they believe the statement to be true. **3 MINUTES**

2. Read the following statements aloud, allowing time for all students to consider each statement and vote on whether they think it is true or false. After each vote, read the answer and briefly discuss the facts provided. **12 MINUTES**

a. Torture is mainly used against terror suspects and during war.

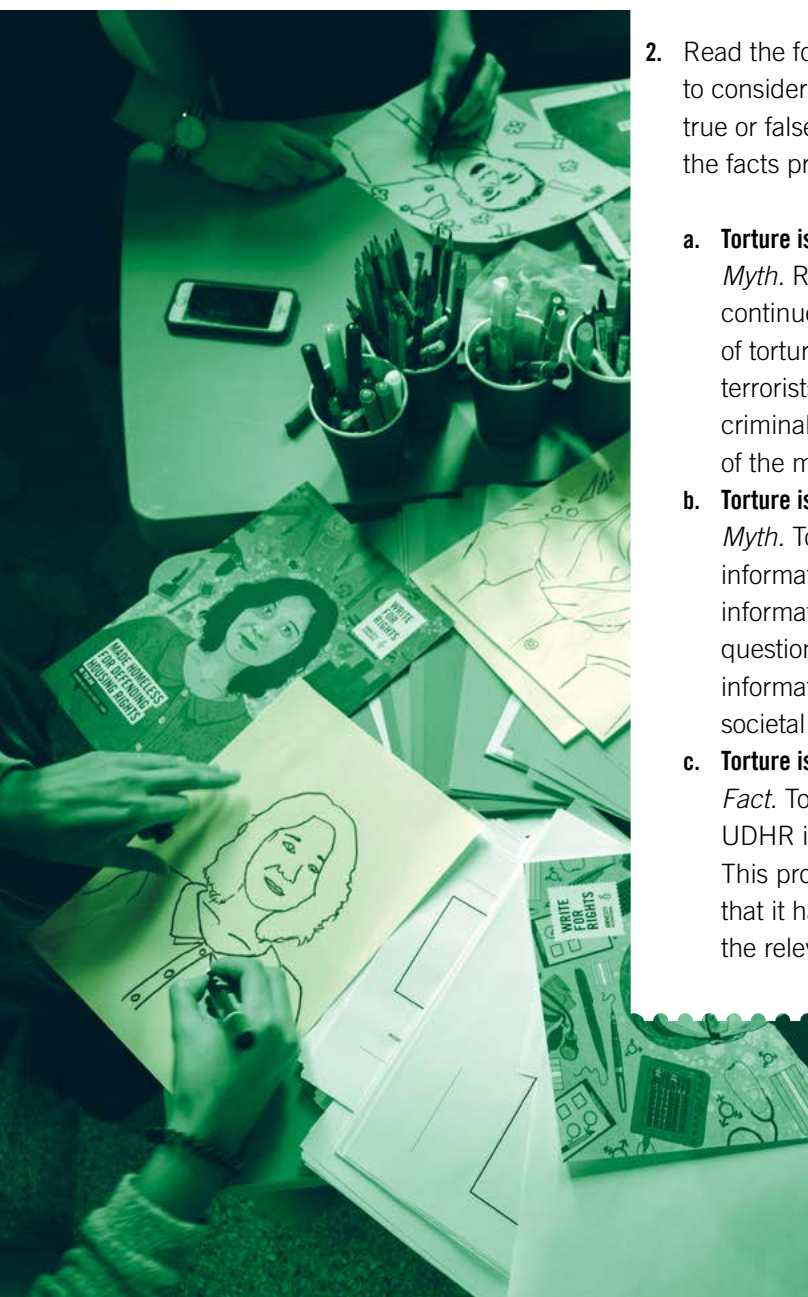
Myth. Research shows that torture and other ill-treatment continue to be an issue in many countries today. Most victims of torture and other ill-treatment worldwide are not dangerous terrorists but rather poor, marginalized and disempowered criminal suspects who unfortunately seldom draw the attention of the media and public opinion.

b. Torture is the only way to get information.

Myth. Torture is a primitive and blunt instrument for obtaining information. States have a huge variety of ways to collect information on crimes without losing their humanity. Humane questioning techniques have proved to be efficient in obtaining information on crimes without the devastating personal, societal and legal consequences of torture.

c. Torture is illegal.

Fact. Torture has been outlawed internationally since the UDHR in 1948. It is not permitted even in times of emergency. This prohibition has achieved such a strong global consensus that it has become binding even on states that have not joined the relevant human rights treaties.



WARM-UP

MYTHBUSTERS

WRITE
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INTERNATIONAL**d. Some forms of torture are not that bad.**

Myth. Torture doesn't come in levels. There is no such thing as "torture-lite" – it inflicts severe physical or mental pain or suffering. All forms of torture are despicable and illegal.

e. It is hard to know when and where torture is taking place.

Fact. Torture is usually hidden – in police lock-ups, interrogation rooms or prisons.

f. In certain circumstances, torture serves a greater good.

Myth. Torture is never legal or acceptable. Much more needs to be done to end this despicable practice.

g. Only a handful of the worst governments use torture.

Myth. Over the past five years, torture has been reported in 141 countries and from every region of the world.

h. Many governments and people who torture get away with it.

Fact. Torture usually takes place in the shadows. Governments often put more effort into denying or covering up torture than carrying out investigations when a complaint is made.

i. One of the best ways to prevent torture is to bring it into view.

Fact. One of the best ways to prevent torture and to make sure torturers can't get away with it is to bring it into view.



ACTIVITY**UNDERSTANDING TORTURE
AND OTHER ILL-TREATMENT****TIME**

⌚ 55 MINUTES

MATERIALS

Large, blank paper
Scissors
Markers
Tape or board magnets

Handout: **The Ill-treatment of Atena Daemi**

Handout: **W4R Atena Daemi**
(see Annex)

Optional: **Audio-visual equipment**
and internet connection

Optional: **whiteboard**

PREPARATION

Print copies of **The Ill-treatment of Atena Daemi** handout and cut across the page so that each paragraph is a separate piece of paper

Print copies of **Atena Daemi's W4R** handout

PLAN

1. Introduce Article 5 of the UDHR to students: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Ask students why they think this Article also includes "cruel, inhuman or degrading treatment or punishment". Is there anything they can think of that they wouldn't call "torture" but is still terrible treatment that shouldn't be allowed to happen? At the end of the discussion, emphasize that human rights law forbids torture and other ill-treatment. They are all despicable; they are all illegal.

5 MINUTES

2. Organize students into five groups. Tell them that they're going to learn about a real, living person – her name is Atena Daemi – and her right to not be subjected to torture and other ill-treatment has been violated in Iran. Explain that each group will receive different information about a difficult time in her life from the past three years. One person should read it aloud to the others in their group, then freely discuss it for a few minutes. Hand out the paragraphs and let the students begin.

10 MINUTES

3. Ask students to reflect on how they would feel if they were in Atena's situation. What are the emotions they would feel? What are their hopes and fears? Distribute the markers and a large sheet of blank paper to each group and ask them to discuss and write their answers down.

5 MINUTES

4. Invite each group to share with the rest of the class their paragraph about Atena, as well as their written answers. Post these together on the wall or whiteboard with tape or magnets.

25 MINUTES

ACTIVITY**UNDERSTANDING TORTURE
AND OTHER ILL-TREATMENT****WRITE
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5. Begin a discussion with all students.

10 MINUTES

a. First, ask them:

- What are your feelings, hopes and fears now that you have learned even more about Atena? Did anything surprise you?
- Can you highlight which types of ill-treatment specifically affect Atena as a woman?

b. Now, read out loud to the class Atena's W4R handout. Ask students:

- What other rights are relevant to Atena's struggle, and why? (You may refer them to the simplified UDHR found in the Annex of this Toolkit)
- You have learned about many of Atena's hardships. But what about Atena's story is inspiring to you?





8.3 TAKE ACTION

FOR ATENA DAEMI

TIME:

20 MINUTES

MATERIALS:

Paper, pens, envelopes and stamps
Projector, or printed pictures of Atena

Handout: **W4R Atena Daemi (see Annex)**

Optional: **Internet connection and computer**

Optional: **Letter-Writing Kit templates**

PREPARATION:

Print copies of the W4R Atena Daemi handout

Set up the projector, or print pictures of Atena

PLAN:

1. Explain to students that, like so many, Atena Daemi dreams of an end to the death penalty in Iran. She writes Facebook, Twitter and Instagram posts, hands out leaflets and joins peaceful protests. Incredibly, these simple actions were used as “evidence” to sentence her to seven years in prison. Her trial took just 15 minutes and she’s faced ill-treatment, including violence, behind bars. It’s one more cruel example of Iran punishing peaceful activism.
2. Encourage students to write to the head of the Iranian judiciary to urge him to release Atena Daemi today.

You can give students the following guidelines to help them write their letter to the head of the Iranian judiciary. They can:

- Tell him something about themselves
- Tell him what shocks them about Atena’s story
- Urge him to release Atena Daemi immediately and unconditionally

The letter can be sent to:

Head of the Judiciary Ayatollah Sadegh Larijani
c/o Permanent Mission of Iran to the United Nations in Geneva
Chemin du Petit-Saconnex 28
1209 Geneva
Switzerland
Salutation: Your Excellency

8.3 TAKE ACTION**FOR ATENA DAEMI****WRITE
FOR
RIGHTS**AMNESTY
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You can give the students the following guidelines to help them write their letter of solidarity. They can:

- Think about what Atena might want to hear at this difficult time
- Express their solidarity, admiration or anything else they feel towards her

Sadly, it isn't safe to send letters to Atena or her family inside Iran. But please write to us and we will ensure your messages of solidarity are heard. Alternatively, show your support on Twitter or Instagram.

The letter can be sent to:

Amnesty International – International Secretariat
c/o Iran Team
1 Easton Street
London WC1X 0DW
United Kingdom
Twitter: @AtenaDaemi
Instagram: www.instagram.com/atenadaemi

You can also use the templates provided in the 2018 Letter-Writing Kit.



HANDOUT**THE ILL-TREATMENT
OF ATENA DAEMI**

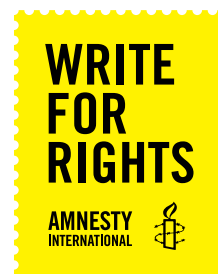
1. ATENA DAEMI was first arrested by nine members of Iran's Revolutionary Guard in October 2014 and transferred to Tehran's Evin Prison. She was held in conditions of extreme isolation for 88 days without access to a lawyer. Her cell for the first 20 days was infested with insects and lacked toilet facilities. She said her interrogators offered to grant her easier access to the toilet in exchange for her "co-operation".

2. ATENA DAEMI says she was interrogated for 58 days, often for periods of 10 hours or longer. During these lengthy interrogations, she had to sit blindfolded while facing a wall. She experienced several health problems, including weakness in the limbs and blurred vision – but the authorities denied her specialized medical care outside prison.

3. ATENA DAEMI was again arrested on 26 November 2016 when three Revolutionary Guard officials raided her parents' house and took her away to Tehran's Evin Prison to begin serving a seven-year prison sentence. She said that she was beaten and pepper sprayed by the officials arresting her after she insisted peacefully that they present an arrest warrant. She has said that her sister was also punched in her chest when she attempted to intervene to stop the officials. She also described how, on the way to prison, the Revolutionary Guard officials blindfolded her and repeatedly threatened her by saying that they would open new cases against her and had "cooked-up a plan so that she gets the thought of ever getting released from prison out of her mind".

4. In 2017, ATENA DAEMI was transferred to the prison clinic to receive a heart test but a male nurse refused to administer the test. The "justification" was that it is "inappropriate" for male medical staff to carry out the procedure as patients are required to remove garments covering their chests. Women political prisoners often face additional layers of gender-specific discrimination when seeking medical care.

5. ATENA DAEMI is being held in unsanitary conditions in the quarantine section of the Shahr-e Rey prison, a former industrial chicken farm. Her access to the outside world is being severely restricted. According to widely published reports and information provided to Amnesty International, the conditions in Shahr-e Rey prison are appalling, falling well below the standard minimum rules for the treatment of prisoners. Prisoners have reported urine-stained floors, filthy showers and bathroom facilities, a severe shortage of beds and the prevalence of contagious diseases. Prisoners have also reported poor quality food containing rock particles and salty, undrinkable water.



9. MẸ NĂM & THE RIGHT TO A FAIR TRIAL

The **Right to a Fair Trial** unit contains two possible activities: “Activity: How Fair?” and “Take Action for Mẹ Năm”.

9.1 BACKGROUND INFORMATION ON THE RIGHT TO A FAIR TRIAL

The right to a fair trial is a human right. It is one of the universally applicable guarantees recognized in the UDHR, adopted in 1948 by the world’s governments. It has since become legally binding on all states as part of customary international law and reaffirmed and elaborated since 1948 in legally binding treaties such as the International Covenant on Civil and Political Rights (ICCPR).

These human rights standards were drafted to apply to legal systems throughout the world and take into account the rich diversity of legal procedures. They set out the minimum guarantees that all systems should provide to ensure justice, respect for the rule of law and respect for the right to fair criminal proceedings. They apply to investigations, arrests and detention, as well as throughout the pre-trial proceedings, trial, appeal, sentencing and punishment.

Every government has a duty to bring to justice those responsible for crimes in independent, impartial and competent courts in a manner that respects international standards of fairness. Whatever the crime, if people are subjected to unfair trials, justice is not served for the accused, the victim of the crime or the public. The criminal justice system itself loses credibility when people are tortured or ill-treated by law enforcement officials, when trials are manifestly unfair and when proceedings are tainted by discrimination.

Assessing the fairness of criminal proceedings is complex and multi-faceted. Every case is different, and must be examined on its merits and as a whole. The right to a fair trial is broader than the sum of the individual guarantees.

9.2 ACTIVITIES ON THE RIGHT TO A FAIR TRIAL

OVERALL LEARNING OUTCOMES

Students will be able to:

Recognize what the right to fair trial entails and its importance

Outline the consequences of a violation of the right to fair trial

Write a letter (or letters) in support of Mẹ Năm

OVERVIEW OF ACTIVITIES

Activity: How Fair?	60 MINUTES
Take Action for Mẹ Năm	20 MINUTES

You can access the Second Edition of Amnesty International’s “[Fair Trial Manual](#)” [here](#).



ACTIVITY

HOW FAIR?

TIME

60 MINUTES

MATERIALS

Sticky notes (two colours)

Tally

Handout: **Fair Trial**

Handout: **Rights Relating to a Fair Trial**

Handout: **Simplified Version of the UDHR (see Annex)**

PREPARATION

Print the four Fair Trial handouts

Note: If you have a large class, you can print multiple copies of the same case to put them on different walls.

Put the four Fair Trial handouts on different walls

Print copies of Rights Relating to a Fair Trial handout

Print copies of the Simplified Version of the UDHR handout

PLAN

1. Ask students to circulate in the room and read the cases. Each student should put a tally on the scale below the case to vote how fairly or unfairly the person in each case was treated. After students have voted on each case, they should return to their seats. **20 MINUTES**
2. Discuss with students the results of the vote and why they felt the people in the cases were treated fairly or unfairly. Ask them to highlight similarities and differences, and specifically in the case of Mẹ Năm, the reasons for being charged. **10 MINUTES**
3. Distribute the handouts – Rights Relating to a Fair Trial and Simplified Version of the UDHR – to students, as well as sticky notes of both colours. Explain to students that they can use these handouts as references for their next task. **5 MINUTES**
4. Ask students to circulate to the different cases on the walls. This time, they should again write down any fair trial rights that they think were involved in the case on one colour sticky note, and how they think they would feel in the person's shoes on the other colour sticky note. You should specify beforehand which colour is to be used for rights and which for feelings. They should place the sticky notes next to the relevant case. **20 MINUTES**
5. After students have finished, invite them to discuss their responses as a class. Ask them to reflect on Mẹ Năm and the impact a violation of the rights relating to fair trial has on other HRDs in Viet Nam. **5 MINUTES**

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9.3 TAKE ACTION

FOR ME NẤM

TIME

⌚ 20 MINUTES

MATERIALS

Paper, pens, envelopes and stamps
Projector, or printed pictures of Mẹ Nấm

Handout: **W4R Mẹ Nấm** (see Annex)

Optional: **Internet connection and computer**

Optional: **Letter-Writing Kit templates**

PREPARATION

Print copies of the **W4R Mẹ Nấm** handout

Set up the projector, or print pictures of Mẹ Nấm

PLAN

1. Mẹ Nấm, or “Mother Mushroom”, is one of Viet Nam’s most influential bloggers. She’s pushed for action on police brutality and environmental issues, but in June 2017 she was sentenced to 10 years in prison for “conducting propaganda” against the state and sharing articles online. Her harsh sentence is part of a wider attempt to silence people who speak out in her country.
2. Encourage students to write to the Prime Minister of Viet Nam, urging him to release Mẹ Nấm immediately and unconditionally.

You can give the students the following guidelines to help them write their letter to the Prime Minister of Viet Nam. They can:

- Tell him something about themselves.
- Tell him what shocks them about Mẹ Nấm’s story. For example, that she has done nothing more than speak out peacefully to defend human rights.
- Urge him to release Mẹ Nấm immediately and unconditionally.

The letter can be sent to:

Prime Minister
Nguyen Xuan Phuc
Prime Minister’s Office
Ha Noi
Viet Nam

Email: nguoiiphatngonchinhphu@chinhphu.vn, vpccp@chinhphu.vn

Salutation: Dear Prime Minister

