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INTERNATIONAL  
國際特赦組織香港分會



酷刑與聯合國禁止酷刑公約

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# WORDS FROM THE EDITOR- IN-CHIEF

Many readers may not understand the international standards of torture. However, no matter whether in Western or Chinese history, news reports, novels, movies and soap opera, there are repeated stories on the use of torture to force detainees to make a confession or statement and in turn many innocent people have been falsely convicted and sentenced to imprisonment for many years. In reality, it is believed that society does not accept that law enforcement agencies and officers should use cruel and violent means to force arrested persons to confess or to torture prisoners.

Ching Cheong was charged with the offense of "disclosure of state secrets" and "espionage" by the Chinese government. He was jailed for 1,000 days. As he did not plead guilty, he was punished and was held in solitary confinement for 3 months. Although he was released after 1,000 days, he had been physically and psychologically tortured. He committed himself to carrying out a campaign to abolish solitary confinement in the world.

In most societies, there is a consensus that the law enforcement agencies and officers are authorized to do their duty by exercising their power. However, they must still act within the law. In order to defend the rule of law, the theme of this issue is on the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Convention against Torture). This will help the public to monitor law enforcement in a serious manner.

An Mei Po

# IN FOCUS

## TORTURE AND THE UN CONVENTION AGAINST TORTURE

Freedom from torture is an absolute human right. It is prohibited in any circumstance. Article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights (ICCPR) enshrine that "no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". Article 4(2) of the ICCPR stipulates that no derogation or restriction can be imposed on the freedom from torture even in time of public emergency.

The United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) stipulates the State Party's obligation to prohibit against torture by public officials. Its implementation is monitored by the United Nations Committee Against Torture. Since the adoption of the UNCAT in 1987, freedom from torture has become a part of customary international law and is applicable in all countries.<sup>[1]</sup>

### WHAT IS TORTURE?

Torture means an act in which physical or mental severe pain or suffering "is intentionally inflicted on a person" for the following purposes: "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". (Article 1)

The UNCAT only governs the act of torture "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". But it "does not include pain or suffering" "arising only from lawful sanctions". (Article 1)

However, the Committee Against Torture stresses that the Government also bears the responsibility to prohibit torture and cruel, inhuman or degrading treatment or punishment (ill-treatment) by private actors. When the government or public officials "know or have reasonable grounds to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors", they should "exercise due diligence to prevent, investigate,

prosecute and punish such private actors" consistently with the UNCAT. Otherwise their "indifference or inaction provides a form of encouragement and/or de-facto permission".<sup>[2]</sup>

Besides, the UNCAT offers protection for persons exercising "the right to seek and to enjoy in other countries asylum from persecution". "No State Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture". (Article 3)

### IS TORTURE DIFFERENT FROM ILL-TREATMENT?

Torture and ill-treatment differs in the "severity of pain and suffering".<sup>[3]</sup> While the former is in a more severe manner, both of them are indivisible.<sup>[4]</sup>

### ABSOLUTE PROHIBITION AGAINST TORTURE

Torture is prohibited in all circumstances. Regardless of "a state of war or a threat of war, internal political instability or any other public emergency", no exceptional circumstances "may be invoked as a justification of torture". (Article 2(2)).

After the terrorist attacks in the United States on 1 September 2001, the Committee Against Torture reiterates that "the obligations in articles 2 (whereby "no exceptional circumstances whatsoever...may be invoked as a justification of torture"), 15 (prohibiting confessions extorted by torture being admitted in evidence, except against the torturer), and 16 (prohibiting cruel, inhuman or degrading treatment or punishment)" "must be observed in all circumstances".<sup>[5]</sup>

### TORTURE SHOULD BE CRIMINALIZED

The State Party "shall ensure that all acts of torture are offences under its criminal law" and "apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture". (Article 4(1)) It is not a reasonable defence or justification for perpetrators to execute "an order from a superior officer or a public authority". (Article 2(3))

For the statement extracted by torture, it "shall not be invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made". (Article 15)

#### **HOLD THE PERPETRATORS TO ACCOUNT**

If there is an allegation of a person being tortured, the State Party should "promptly and impartially" investigate the allegation and take steps "to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given". (Article 13) If the allegation is substantiated, the State Party "shall make these offences punishable by appropriate penalties which take into account their grave nature". (Article 4(2))

#### **REMEDY FOR VICTIM**

The victim of an act of torture has "an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible". If the victim dies of torture, "his dependants shall be entitled to compensation". (Article 14)

#### **PREVENTION OF TORTURE**

To prevent torture, the State Party "shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction". (Article 2(1)) It "shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction". (Article 12)

The State Party may look into the Istanbul Protocol Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1999.<sup>[6]</sup> It should also provide basic guarantees to persons deprived of liberty such as "maintaining an official register of detainees, the right of detainees to be informed of their rights, the right promptly to receive independent legal assistance, independent medical assistance, and to contact relatives" etc.<sup>[7]</sup>

Furthermore, the State Party shall provide human rights training for public officials including "education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment". (Article 10)

#### **PROTECTION OF UNDERPRIVILEGED GROUPS**

The Committee Against Torture opines that the State Party shall protect "certain minority or marginalized individuals or populations especially at risk of torture". Its protection should apply to all persons "regardless of race, religious belief or affiliation, political or other opinion, gender, sexual orientation, transgender identity, mental or other disability", "persons accused of political offences or terrorist acts, asylum seekers or refugees" etc.<sup>[8]</sup> The Committee is particularly concerned with torture or ill-treatment based on gender. For instance, women with characteristics of "race, nationality, religion, sexual orientation, age, immigrant status etc" may be subjected to risks of torture including "deprivation of liberty, medical treatment, particularly involving reproductive decisions, and violence by private actors in communities and homes". Men are also subjected to "rape or sexual violence and abuse". All persons may be subjected to torture or ill-treatment "on the basis of their actual or perceived non-conformity with socially determined gender roles".<sup>[9]</sup>

#### **Footnote**

[1] UN Committee Against Torture. General Comment No.2: Implementation of article 2 by States parties. 24 January 2008. Para 1.

[2] *Ibid.* Para 18.

[3] *Ibid.* Para 10.

[4] *Ibid.* Para 3.

[5] *Ibid.* Para 6.

[6] *Ibid.* Para 14.

[7] *Ibid.* Para 13.

[8] *Ibid.* Para 21.

[9] *Ibid.* Para 22.

# 10 TORTURES

INFOGRAPHICS BY CHAN MAYDOY

POUR WATER INTO THE NOSTRILS TO DROWN



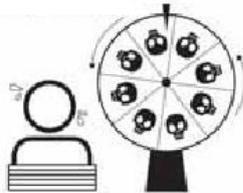
HANG AND ROTATE LIKE ROASTED CHICKEN



PULLING FROM BOTH SIDES, AND HITTING THE LEGS AND PRIVATE PARTS WITH A WHIP



WHEEL OF TORTURE



HANG FROM CEILING AND BEAT WITH A WHIP



ELECTRIC SHOCKS ON HEAD UNTIL LOSS OF CONSCIOUSNESS



ELECTRIC SHOCKS ON GENITALS



HANGING UPSIDE DOWN AND PLUNGE INTO WATER



BEAT UP, BEAT UP AND BEAT UP



DUCK WALK FOR A LONG PERIOD OF TIME



## KEY FACTS ABOUT TORTURE

AMNESTY INTERNATIONAL (2014) GLOBAL SURVEY  
ATTITUDES TO TORTURE

# 141 COUNTRIES

Over the last 5 years, Amnesty International has reported torture in at least 3 quarters of the world.

Nearly half of the respondents fear torture if taken into custody

# 44%

# 80%

More than 80% want strong laws to protect them from torture

# INTERVIEW: TORTURE AND THE UN CONVENTION AGAINST TORTURE

Q / Amnesty International Hong Kong

A / Mark Daly, Human Rights Lawyer

**Q** How to distinguish between torture and cruel, inhuman or degrading treatment or punishment (CIDTP)? What is the level of severity?

**A** The main difference is the mental intent. Regarding torture, it has to be proved to have been done with a particular purpose. The threshold is high. Whereas for CIDTP, the mental element or purpose is not required. One of the classic examples are prison conditions. If the prison conditions are bad, this may match the definition of CIDTP whereas it may not be a definition of torture.

**Q** Freedom from torture is absolute. But is freedom from cruel, inhuman or degrading treatment or punishment absolute?

**A** Yes. Freedom from CIDTP is also absolute. According to the case of *Ubamaka Edward Wilson v. Secretary for Security and Director of Immigration* in 2012,<sup>[1]</sup> the Court of Final Appeal of Hong Kong says that the right to protection against CIDTP is an absolute and non-derogable right. It is a "universal minimum standard".

**Q** At times of emergency and imminent terrorist attacks, should torture and cruel, inhuman or degrading treatment retain its absolute nature?

**A** At times of emergency and imminent terrorist attacks, torture and CIDTP should retain its absolute nature. By looking at article 3 of the Hong Kong Bill of Rights and article 2(2) of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), the same principle should apply by which "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture".

**Q** As the UNCAT prohibits torture by official or with official approval, why does the UN Committee Against Torture, which is responsible for overseeing the implementation of the UNCAT, concern about domestic violence and corporal punishment?

**A** It is important not to absolve the state's responsibility for torture or

CIDTP. There is a principle called the "acquiescence principle". Regardless of the forms of torture or CIDTP or whether it is done by a private actor, if the government knows about it but does not take steps to eradicate it, it still falls under the protection and jurisdiction of the UN Committee Against Torture. You do not want to see that the government subcontracts violence out to other actors and turn a blind eye to it.

**Q** What is your comment on the situation of torture and cruel, inhuman or degrading treatment in Hong Kong?

**A** We are fortunate to live in Hong Kong. The rule of law and the training of the disciplinary forces in Hong Kong are still a lot better than other jurisdictions particularly in Asia. This does not mean that we need not be very vigilant because we could quickly lose that. So my answer to your question is vigilance. We should not fall asleep. It is important for lawyers and non-governmental organizations (NGOs) not to be complacent. The judiciary particularly needs to continue to ask questions and hold the authorities accountable with respect to violence perpetrated by the disciplinary forces.

The latest high profile case of torture or CIDTP would be the case of *Erwiana* who was an Indonesian migrant domestic worker abused by her employer in Hong Kong. The powerlessness of the migrant domestic workers is highlighted in such a case. For instance, the two-week rule and the live-in requirement <sup>[2]</sup> are just the tip of the iceberg. These rules put migrant domestic workers into a vulnerable position. It is difficult for them to speak out as they face the risk of losing their jobs, being forced to go home after being fired and are vulnerable to violence. This situation is similar to that of asylum seekers. They have no voice. They are forced to endure things instead of standing up for their rights.

For asylum seekers and refugees, there is an "Unified Screening Mechanism" (USM) for determining their status in Hong Kong. This looks into whether they would face torture or CIDTP on returning to their countries. However, there is a big problem with the mechanism as it takes so long to get up and running. Instead proactively assisting such people, it takes a long time for the Hong Kong Government to set up a proper and fair system. Forced by litigations, the Hong Kong Government finally set up a comprehensive screening mechanism last year which international and local experts have been demanding for 10 years.

The asylum seekers and refugees live in limbo. Their situations in many cases reach the threshold of CIDTP. For instance, they do not live with dignity as they live in poor conditions. They are not able to



support their families as they are not allowed to work although they may stay here for many years. It is not a good way to treat the less fortunate in Hong Kong.

It would be better if Hong Kong had an independent human rights commission and more monitoring mechanisms in place to combat torture.

**Q** In what way is the UNCAT useful for human rights protection in Hong Kong? Are there any successful examples?

**A** I am very critical of the UN system particularly its bureaucratic nature and politicization. However I still think that we need to work to have a more useful UN mechanism for better enforcement.

It is useful to have comments and concluding observations issued by the UN treaty bodies which comprise human rights experts. Not only the UNCAT, the UN treaty bodies scrutinize governments including the Hong Kong Government's work for human rights. The Hong Kong Government takes the UN scrutiny seriously. Its delegation to the UN hearings consists of about 10 public officials. It is held accountable to the UN treaty bodies. International scrutiny is important.

It would be better if the Hong Kong Judiciary pays more regards to the UN concluding observations and take them more seriously. Sometimes they do not. This may be due to a lack of understanding of the international human rights regime. But if the Hong Kong Judiciary does quote the UN instruments in their judgments, it would boost the international human rights regime and the enforcement of human rights. A lot of work needs to be done on education for local judges, politicians and NGOs and international lobbying work.

The UNCAT is useful for human rights protection in Hong Kong. One of the successful examples is that the Court of Final Appeal of Hong Kong makes reference to the general comments of the UN Committee Against Torture in its judgment of the case of Prabakar. [3]

**Q** What makes you actively engage with the UN treaty bodies hearings on Hong Kong?

**A** Another value of the UN treaty bodies hearings is that the Hong Kong Government is forced to account for its promises to the

international bodies. There are documents in the public domain and they are useful for local litigations. The process also fosters transparency of the Government and it has to owe up to its promises. It is also helpful in shedding light on particular abuses.

**Q** In 2008, China held a press conference criticizing the members of the UN Committee Against Torture after the release of the concluding observations on China. Does it happen to other treaty bodies and why?

**A** It happens with all the treaty bodies and not just China. This is the politicization of the process, which is a natural part of the process. The governments may deny that various abuses have taken place.

The Committee composed of experts would weigh up the information provided by the human rights groups, complainants and the governments. While some governments may try to improve the remedies, some stonewall. Obviously, there is a gradient variance to governments' reactions.

The fact that some governments criticize the UN treaty bodies and justify their acts means that they are responsive and sensitive to the international criticisms.

**Q** Is there anything else you would like to share with us?

**A** NGOs including Amnesty International should continue to use the UN mechanism. They should submit reports and get credible evidence to the UN in order to continue to bring things to the light especially in such an increasingly difficult environment in Hong Kong. There is increasing politicization of human rights. People do not speak out even when they should do so. We rely more on NGOs and NGOs should continue to bring things to inform the public and make a difference.

#### Footnote

[1] FACV 15/2011, 21 December 2012.

[2] Regarding the two-week rule, migrant domestic workers in Hong Kong must find new employment and obtain an approved work visa within 2 weeks of the expiration or premature termination of their employment contracts. Otherwise, they must leave Hong Kong. For the live-in requirement, migrant domestic workers are required to live with their employers.

[3] Secretary for Security and Sakthevel Prabakar. FACV 16/2003, 8 June 2004.

**LIST OF ISSUES  
PUBLISHED BY  
THE UN COMMITTEE  
AGAINST TORTURE  
ON HONG KONG**

# STOP TORTURE



The UN Committee Against Torture is going to hold a hearing on the implementation of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT) in Hong Kong during November and December this year. Prior to the hearing, the Committee Against Torture released the "list of issues" in June and requested the Hong Kong Government to submit further information.

Examples of issues concerned by the Committee:

### **THE RIGHTS OF PERSONS DEPRIVED OF LIBERTY (PARA 3)**

- The measures taken by the Government to ensure the following rights: "the right to be informed of the reason for arrest, to have access to a lawyer of their choice, to contact family members and to promptly receive an independent medical examination"

### **THE RIGHT TO SEEK AND TO ENJOY IN OTHER COUNTRIES ASYLUM FROM PERSECUTION (PARA 6)**

- The Government should provide information regarding the "Unified Screening Mechanism" including its implementation, criteria for assessment and whether the assessment is "conducted in a child, gender and culture sensitive manner"

### **IMPARTIAL INVESTIGATION OF TORTURE (PARA 22)**

- The Government should "comment on reports of police attacks and excessive use of force by police against peaceful protestors, including the use of pepper spray, batons and tear gas" during the Umbrella Movement between September and December 2014
- Whether "an investigation was opened with regard to the alleged beating of Ken Tsang by several police officers in the Admiralty protest zone on 15 October 2014"

### **COMPLAINTS SYSTEM AGAINST POLICE MISCONDUCT (PARA 23)**

- The appointment process and the criteria for selection of the Independent Police Complaints Council (IPCC) members
- "Steps taken or envisaged to establish a fully independent mechanism mandated to receive and investigate complaints on police misconduct"

### **PROHIBITION ON CORPORAL PUNISHMENT OF CHILDREN (PARA 26)**

Steps taken by the Government to "ensure that corporal punishment of children is explicitly prohibited in all settings":

- "to repeal the reasonable chastisement defence"
- "efforts to promote positive, non-violent and participatory forms of childrearing and discipline"

### **TRANSGENDER PERSONS (PARA 28)**

- "Steps taken or envisaged to repeal mandatory surgery requirements for transsexual persons to gain official gender recognition"

# AI GLOBAL CAMPAIGNS

See how we marked the International Day in Support of Victims of Torture on 26 June this year.

## 1/ AIHK: Run against Torture in Hong Kong

AIHK launched its first "Run for Human Rights" event this year. This activity received such an overwhelming response that it was full on the second day of open registration. Nearly 80 participants participated the event.

The participants ran from Tamar Park to Sun Yat Sen Memorial Park Sports Centre, then returned to Tamar Park. The route was 5.7km in total. The participants had to face 2 "Torture Runs" including a "Duck Walk" and "Run with Hands Tied". These are the tortures faced by torture victims in the Philippines, China and Mexico. Ken Tsang Kin-chiu, who was beaten by police officers during the Umbrella Movement, also attended the run and helped to arouse public concerns about torture.

## 2/ AI Algeria

Activists in Algeria showed their support for all survivors of torture by gathering at Algiers Monument for Martyrs.

## 3/ AI Argentina

Activists stood and protested in front of the Mexican embassy in Buenos Aires, Argentina.

## 4/ AI Burkina Faso

Over 50 activists in Burkina Faso ran a relay race against torture. "The baton symbolizes our message against torture", said Hassan Tapsoba, one of the participants. "We want to say to victims of torture: here is a chain of solidarity."

## 5/ AI Ghana

AI Ghana held a march against torture in Accra.

## 6/ AI Ireland

AI Ireland activists at Dublin's Grand Canal Dock. Photo Credits: Graham Seely

## 7/ AI Mongolia

"Run against torture" in Mongolia.

## 8/ AI Switzerland

"Run Against Torture" in Berne, Switzerland.

More pictures: <http://stoptorture.tumblr.com/>



## NIGERIA: MOSES AKATUGBA WAS PARDONED!

Moses Akatugba, one of the Write for Rights 2014 cases, has been granted a pardon. This decision was made by Emmanuel Uduaghan, the Governor of Delta State in Nigeria on 28 May 2015.

Moses was 16 when he was arrested in November 2005 under suspicion of armed robbery, a crime he said he never committed. He spent more than 3 months in police detention centre and claimed that he only confessed after he was severely tortured. He was also subjected to an unfair trial and was sentenced to death by hanging in November 2013.

Thank you all, especially students in Hong Kong International School and the Island School for the relentless work you have put into Moses' case. This amazing result would have not been possible without you!

Please see a very inspiring and powerful message from Moses:

**"I am overwhelmed.**

**I thank Amnesty International and their activists for the great support that made me a conqueror in this situation.**

**Amnesty International members and activists are my Heroes.**

**I want to assure them, that this great effort they have shown to me will not be in vain, by the special grace of God I will live up to their expectation.**

**I promise to be a human rights activist, to fight for others."**



## HONG KONG CITIZEN'S DEATH SENTENCE IN VIETNAM CHANGED TO LIFE IMPRISONMENT

Ngan and Chan are Hong Kong residents who have been facing imminent execution for drug trafficking in Vietnam since May 2008. However, their boss testified in the court that they were driver and assistant and they knew nothing about the drugs.

AHK received a letter from Ngan's wife in the summer of 2013. We assisted their families to have meetings with the Hong Kong government. We also collected signatures from general public in Hong Kong and sent the petitions to the Vietnam Embassy. Ngan's sentence was then changed from death sentence to life imprisonment in May this year. Unfortunately Chan remains in death row and he will be at risk of imminent execution.

## SINGAPORE: TEENAGER AMOS YEE WAS RELEASED

Amos Yee, the 16-year-old teenager from Singapore, was charged and detained by the authorities for posting a video online which criticized the then Prime Minister Lee Kwan Yew and publishing an animation which satirized Lee and Margaret Thatcher, the then Prime Minister of the United Kingdom.

On 6 July 2015, the Singapore Court sentenced Amos to 4 weeks of imprisonment. Since he had been detained for over 4 weeks, he was released on the same day. It was known that he would lodge an appeal.

We thank our Urgent Action Network members who joined our action on 5 July at the Consulate-General of Singapore along with members of various civil society groups.

# LOCAL HAPPENINGS

THIS IS YOUR PAGE:  
CHRISTINA FONG WAI SUM

## Why did you join the University AI Club of Amnesty International?

I have heard countless times that "human rights are the rights possessed by all". However, witnessing human right conditions around the world has led to my realization that without action, this vision is barely utopian.

Not many local college students pay attention to human rights issues, some even have never heard of Amnesty International. Seeing some of my friends studying overseas joining the AI club activities in their colleges, I was amazed by the fact that there were no such student organizations in Hong Kong, which sparked me to join the very first joint university AI club with Amnesty International Hong Kong and set up our own HKU AI Club with a few of my enthusiastic university friends in the University of Hong Kong (HKU).

## Can you briefly introduce us the activities that you have held?

In the subgroup "No Violence Against Women" of the University AI Club to which I belong, we held an activity in HKU in late May to delve into the issue regarding Morocco's law permitting rapists to escape legal sanctions by marrying their victims under 18. We used the "sound library" to provide participants with different sounds, which encouraged them to evaluate the issue from different perspectives.



NAME

CHRISTINA FONG WAI SUM

OCCUPATION

THE PRESIDENT OF  
HKU AI CLUB

YEARS WITH US

1 YEAR

As for the HKU AI Club, apart from the orientation day, we had a film show of "Saving Face" and a "High Heel March" to promote women's rights. We also collected signatures in the campus to support 5 women's rights activists who have been detained in China for calling for an end to sexual harassment on the eve of International Women's Day. We were delighted, meanwhile, to have Justice Centre to come to HKU to talk about the situation of refugees in Hong Kong; we put a wooden cage with related infographics to deepen students' understanding towards the issue.

## Has joining the University AI Club changed your view of human rights?

In the past, the more news I read and the more I learnt about human rights conditions, the more confused, and sometimes frustrated, I became. However, after joining the AI Club, I developed a deeper understanding regarding the work of Amnesty International, and my understanding of human rights was no longer abstract. As I see it, human rights are not merely treaties, and with public support, we can make a change and defend human rights.

## FUNDRAISING: VISIT AI INDIA

# What are the obstacles to promoting human rights education in schools?

Promoting human rights education in schools, we meet people with diverse opinions, some of them often spend more than half an hour at our booth giving speeches of their own. The most unforgettable incident was that we once received a letter, written by "Big Mouse", and its content was full of criticisms and contempt. But still, people are only exercising their freedom of expression. Yet, to me, the biggest obstacle would be the low participation of students. In our previous events, participants were mostly exchange students, with a handful of local students. We are now actively searching for solutions to attract more local students to join our events.

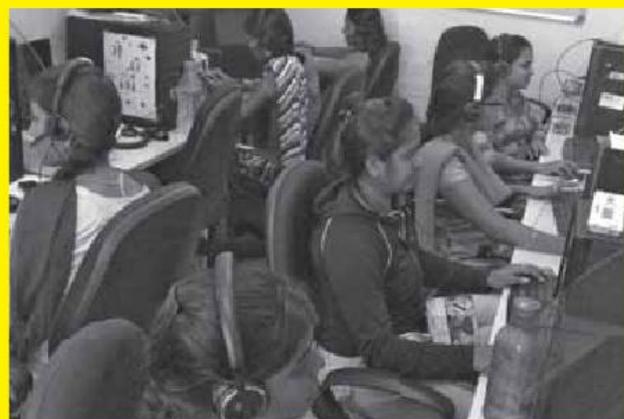
# How will you persuade young people to participate in our human rights movement?

I think that young people's own experiences of social injustice do not provide enough incentives for them to participate in the human rights movement of Amnesty International. We should use actual cases to illustrate how, in reality, the human rights movement of Amnesty International have brought hope and changes to people. This illustration, in turn, would be an incentive for young people to join the movement.

Fundraisers from AI Korea, AI Mongolia and AIHK visited AI India for the fundraising skillshare workshop in June 2015. Researchers from AI India also introduced the "Stop Violence Against Women" campaign to us. AIHK is going to have a series of events to support the women and girls in India. Please stay tuned and join us!



*Girl Power! This group of young and energetic girls is the telemarketers of AI India fundraising team. They call hundreds of supporters to promote human rights values every day. It has never been an easy job but they are very committed and proud to be part of Amnesty International.*



**A WHEEL OF TORTURE AT A SECRET TORTURE CELL  
IN THE PHILIPPINES**

In 2014, a secret torture cell and a wheel of torture were discovered in a police intelligence facility in the Philippines. The detained persons were coerced into spinning the wheel to determine what kind of torture they would receive. For instance, if the wheel landed on "Paniki", the detainee would be hung upside down. If the wheel landed on "Manny Pacman", the detainee would be beaten.



### 菲律賓警署的酷刑輪盤

二〇一四年，菲律賓其中一所警署被揭發設有秘密拘留室及酷刑輪盤。警員強逼被拘留人士轉動輪盤，並因應輪盤結果而向其施以酷刑。譬如若輪盤停在 Panik，警員就會倒吊該名人士；停在 Manny Pacman 則會向其拳打腳踢。



## 你認為在校園推廣人權教育有何困難？

在校園推廣人權教育，難免會遇到意見不同的人，他們會在我們攤位花大半个小时大談自己的見解。印象最深刻的，應該是收到署名「大老鼠」的信，內容盡是批評與不屑，但這都是他們的言論自由。我認為最大的困難，始終是同學參與度偏低。我們舉辦的活動，大多是國際交流生參與，本地同學不多。我們仍在積極尋求解決辦法，希望能吸引更多本地同學參與。

## 你會如何遊說年輕人加入我們的人權運動？

若要遊說年輕人加入國際特赦組織的人權運動，不單止要讓他們認識社會的不公義，更重要的是要以成功例子作招徠，讓他們確實了解到人權運動能為人帶來希望和改變，才可吸引他們為人權出一分力。

今年六月，韓國分會、蒙古分會及本會的籌募部職員一同探訪印度分會。是次探訪除了交流籌款心得外，印度分會的研究員亦向我們講解國際特赦組織在當地「停止暴力對待女性」的項目內容及進展。香港分會即將在本地推行一系列支持印度婦女的行動，關注女性權利的你請密切留意本會的最新消息。



這是印度分會籌募部的辦公室。同事每天致電支持者講解印度分會的工作。她們的背景或故事也許不同，但經過多個月來的在職訓練，她們全都變得更有自信，毫不怯場地向公眾講解捍衛人權的意義及重要性。

## 本地迴響

你的一頁：方慧森

### 你為甚麼參與國際特赦組織香港分會的 University AI Club?

很多人會說「人權是作為人類所擁有的權利」，但我認為若欠缺行動，一切皆是紙上談兵。然而，本地大學生不太關注人權議題，不少人更是從未聽過國際特赦組織。當我看到負笈海外的朋友參與學校 AI Club 活動時，我對本地大專院校沒有 AI Club 感到非常不解，便與幾個熱心的朋友著手籌備，希望能於香港大學成立 AI Club，正值此時，國際特赦組織香港分會舉辦聯校 University AI Club，我便加入了，繼而成立 HKU AI Club。

### 可以簡單介紹你舉辦過的活動嗎？

我加入了 University AI Club 的針對婦女暴力關注組。五月下旬，我們在港大校園舉辦活動，以聲音圖書館 (sound library) 形式，讓參加者聆聽不同持份者的看法，站在不同角度看針對婦女暴力事件，並討論摩洛哥有關強姦法律的爭議——在摩洛哥，若有人強姦未成年女性，只要事後與受害人結婚，就能免去強姦罪。



姓名  
方慧森  
職業  
HKU AI Club 主席  
與國際特赦組織同行  
一年

至於 HKU AI Club，除了迎新日，我們還舉辦了《沒臉的女人》電影放映會和高跟鞋遊行，以推廣婦女權益。我們更在校園收集簽名，聲援五名在三八婦女節前夕被拘留的中國女權人士。此外，我們很榮幸邀請到 Justice Centre 到校講解在港難民的情況；我們亦於校園放置木製的籠，配以資訊圖表，讓同學加深認識難民議題。

### 參與 University AI Club 後，你對人權的看法有何改變？

以往看新聞報道時，愈了解現況就愈迷茫，有時更會有無力感。參加 University AI Club 讓我更了解國際特赦組織的工作，對人權的認識亦不再局限於書本。人權不只是「白紙黑字」的國際人權公約，若有更多公眾發聲支持，我們將有更大力量去捍衛人權。

## 越南：香港籍死囚改判終身監禁

顏先生及陳先生同為香港人，於二〇〇八年五月被越南當局以運毒的罪名判處死刑。不過，他們的僱主在庭上作供指出他們僅為司機及助手，對毒品並不知情。

本會在二〇一三年夏天收到顏太太的求助信，之後一直協助他們的親人與香港政府會面，並收集香港市民簽名，轉交越南領事館及聲援家屬。今年五月，顏先生終獲改判終身監禁。不過陳先生仍為死囚，隨時有可能面對處決。

## 新加坡：少年余澎杉獲釋

新加坡青少年余澎杉，因為在網上發布批評該國前總理李光耀的短片，並諷刺李光耀及英國已故首相戴卓爾夫人，而被當局拘留和檢控。在等候判決期間，他更被送到治療精神病患者的院舍，令其身心受損。由於他因行使言論自由而被捕，國際特赦組織早前宣布他是良心犯。

二〇一五年七月六日，新加坡法院判處余澎杉監禁四星期，由於他早已被拘留超過四星期，故此他同日獲釋。余澎杉擬提出上訴。

感謝我們的緊急行動網絡成員，於七月五日與多個公民社會團體代表，到新加坡駐港總領事館請願，要求新加坡政府立即無條件釋放余澎杉。

## 好消息

## 尼日利亞·Moses Akatugba 獲得特赦

二〇一四年寫信馬拉松重點個案之一的尼日利亞青年 Moses Akatugba，於今年五月底獲當地州長 Emmanuel Uduaghan 頒布特赦令，取消他的死刑判決。

二〇〇五年十一月，當時只有十六歲的他，因涉嫌參與持械行劫而被捕。他說自己從來沒有犯案，而是在被扣留三個月內，遭警方施行酷刑，屈打成招。他更面對不公平審訊，並於二〇一三年十一月被判處環首死刑。

我們感謝港島中學及香港國際學校的學生，為 Moses 收集過百封聲援信。你們的每一封信和每個簽名，最終能夠拯救生命，帶來改變。

Moses 感謝大家的努力。以下是他給國際特赦組織會員及支持者的信：「我深受感動。我感謝國際特赦組織及所有行動者。你們的支持，讓我克服這個難關，你們真是我的英雄。你們為我盡力所做的行動，並無白費。我將依仗上主的慈愛，活出祂所求。我向你們保證，我會成為捍衛人權的行動者，為捍衛他人的權利奮鬥。」



# 全球人權運動

看看我們今年如何在各地紀念六月二十六日「國際聲援酷刑倖存者日」。

## 1 / 香港分會 — 「跑出人權」聲援酷刑受害者及倖存者

香港分會於今年首度舉辦「跑出人權」活動。報名首兩日已火速爆滿，反應熱烈，多達八十位跑手參與。

參加者由添馬公園出發，沿海傍跑至中山紀念公園體育館後沿途折返，路線全長五點七公里。參與者沿途需經歷兩次「酷刑體驗」，分別為「鴨仔慢步」及「手綁索帶大步跑」。這些酷刑體驗，都是模擬菲律賓、中國及墨西哥的酷刑受害者面對的真實情況。去年雨傘運動期間，於「暗角」被七名警員毆打的曾健超亦有出席，協助推廣關注酷刑的訊息。

## 2 / 阿爾及利亞分會

阿爾及利亞分會成員在殉難烈士紀念碑前聲援酷刑受害者。

## 3 / 阿根廷分會

阿根廷分會成員站在布宜諾斯艾利斯的墨西哥大使館門前抗議。

## 4 / 布基納法索分會

逾五十名布基納法索分會成員參與接力跑步賽。其中一名參加者Issan Tapoba表示：「我們希望告訴酷刑受害者，這支接力棒，象徵我們心意相連，團結一致反對酷刑。」

## 5 / 加納分會

加納分會成員在阿克拉遊行反對酷刑。

## 6 / 愛爾蘭分會

愛爾蘭分會成員在都柏林的大運河碼頭上合照。

照片來源：Graham Seely

## 7 / 蒙古分會

蒙古分會成員透過跑步反對酷刑。

## 8 / 瑞士分會

瑞士分會成員在伯恩跑步，以示反對酷刑。

更多圖片：<http://stop torture.tumblr.com/>



聯合國禁止酷刑委員會將於今年十一月至十二月期間審議香港實施《禁止酷刑公約》的情況。為配合有關審議，委員會於今年六月公布「問題清單」，要求香港政府提交相關資料。

委員會關注議題舉隅

### 被捕人士權利（段三）

- 政府保障被捕人士權利的措施：告知被捕原因、接觸律師、聯絡家人、迅速驗傷

### 投訴警察機制（段二十三）

- 政府交代監督會委員的委任程序及遴選準則
- 政府就設立獨立機制處理和調查投訴警察濫權行為所採取的措施

### 到其他國家尋求庇護的權利（段六）

- 政府交代審查尋求政治庇護人士及難民身分的「統一審核機制」，包括其運作、審核準則及是否具兒童、性別及文化敏感度

### 禁止體罰兒童（段二十六）

- 政府就全面禁止體罰兒童所採取的措施：
- 廢除「合理懲罰」的免責辯護
  - 推廣正面及非暴力等育兒方法

### 公正調查酷刑事件（段二十二）

- 政府就二〇一四年雨傘運動中，警員被指使用胡椒噴霧、警棍及催淚彈等過分武力對付和平示威人士的回應
- 當局有否調查七名警員毆打曾健超事件

### 跨性別人士（段二十八）

- 政府就廢除跨性別人士必須接受變性手術，以獲得官方承認性別而採取的措施

聯合國禁止酷刑委員會關注的香港議題

# 禁止酷刑

至於尋求政治庇護人士及難民，目前香港設有「統一審核機制」，由入境處審核他們回國後會否受到酷刑及不人道之處遇或是否符合難民定義。香港政府向來沒有積極協助這群人——雖然十年來國際及本地專家一直促請香港政府成立全面審核機制，政府仍不為所動，直至有官司，政府才於去年設立「統一審核機制」。

尋求政治庇護人士及難民生活困苦，許多個案已屬不人道之處遇。譬如他們生活拮据，即使已滯留香港多年，仍不准工作，無法養活家人，亦無法過有尊嚴的生活。香港如此對待不幸的人，實在不是個好榜樣。

如果香港有獨立的人權委員會，並有更多旨在消除酷刑的監察機制，情況會有所改善。

## 問 聯合國《禁止酷刑公約》對香港人權保障有何作用？有否成功例子？

**答** 我很質疑聯合國機制，尤其是這個機制很官僚和政治化。雖然如此，我仍然覺得我們需要善用機制，令其更有效。

聯合國人權公約機構由專家組成，它的評論及審議結論都很有用。不僅是《禁止酷刑公約》，聯合國各人權公約機構也會審查各地政府有否落實保障人權。香港政府對待聯合國審議相當認真，譬如會派十人代表團出席聯合國審議會議，並向相關聯合國人權公約機構問責。因此，國際審查是非常重要的。

如果香港法庭更重視聯合國的審議結論，那會更好。現時的情況是：有時候會；有時不然。這可能是不太認識國際人權保障機制的緣故。如果法庭在判案書更常引用聯合國人權文書，那就可能令聯合國人權保障機制更有效保障人權。無論是本地法官、政治人物及民間團體的教育工作，還是國際層面的倡議工作，我們都仍須努力。

至於成功例子，則是終審法院在二〇〇四年Prabakar案引用聯合國禁止酷刑委員會的《一般性意見》。<sup>[1]</sup>

## 問 為何你會積極參與聯合國人權公約機構審議香港的會議？

**答** 聯合國人權公約機構的審議會議可促使政府履行承諾，保障人權。那些政府作出的承諾會刊載於公開文件，對本地訴訟很有裨益。審議過程亦會提高政府施政的透明度，有助公眾聚焦於特定人權侵犯事件。

## 問 二〇〇八年，在聯合國禁止酷刑委員會公布中國的審議結論後，中國當局召開記者會批評委員會委員。其他人權公約機構有遇到類似情況嗎？為甚麼？

**答** 不只禁止酷刑委員會，其他人權公約機構也會面對類似情況。同樣，不僅中國，其他政府也會否認侵犯人權。這源於聯合國機制政治化。

人權公約機構由人權專家組成，在衡量人權組織、受害人及政府報告後，才制訂審議結論。不同政府有不同回應，有些政府會嘗試補償，有些則如鐵板一塊，不作改變。其實政府公開批評聯合國人權公約機構，正正反映其在意和受壓於國際批評。

## 問 最後還有甚麼補充？

**答** 諸如國際特赦組織等民間團體，應繼續善用聯合國人權保障機制。尤其香港人權情況日趨惡劣，香港民間團體應更積極向聯合國提交具有有力證據的報告。在香港，人權愈趨政治化。即使是一些應該發聲的事件，卻有不少人保持沉默。民間團體應繼續挺身而出，並提高公眾對人權議題的關注。

註釋

[1] FACV 15/2011, 2012年12月21日。

[2] 「兩星期規定」乃指外籍家庭傭工在合約完結後兩星期內如未重新獲聘則必須離境。「強制留宿規定」則規定外籍家庭傭工必須與僱主同住。

[1] Secretary for Security and Sakthevel Prabakar, FACV 16/2003, 2004年6月8日。

## 專訪 / 帝理邁談聯合國禁止酷刑公約

問 / 國際特赦組織香港分會  
答 / 帝理邁，人權律師

**問** 如何分辨酷刑及殘忍、不人道或有辱人格的待遇或處罰（不人道之處遇）？

**答** 酷刑與不人道之處遇的主要分別，在於其意圖。凡屬酷刑，必須證明該行為有特定意圖，門檻很高。至於不人道之處遇，則不需主觀元素或目的。舉個經典例子，若監獄環境惡劣，有可能符合不人道之處遇的定義，但就不是酷刑。

**問** 免受酷刑是絕對權利。免受不人道之處遇是否絕對權利？

**答** 免受不人道之處遇是絕對權利。根據二〇一二年 *Jarvis* 案，「香港終審法院指出免受不人道之處遇的權利是絕對和不容減損的權利；它是「普遍最低標準」。

**問** 在緊急狀態和蒙受恐怖襲擊的即時威脅，免受酷刑及不人道之處遇的權利是否仍是絕對權利？

**答** 即使在緊急狀態和面臨恐怖襲擊的即時威脅，免於酷刑及不人道之處遇的權利仍應屬絕對權利。我們可援引《香港人權法案》第三條及聯合國《禁止酷刑和其他殘忍、不人道或有辱人格的待遇或處罰公約》（《禁止酷刑公約》）第二（二）條：「任何特殊情况，不論為戰爭狀態、戰爭威脅、國內政局動盪或任何其他社會緊急狀態，均不得援引為施行酷刑的理由」。

**問** 聯合國《禁止酷刑公約》禁止公職人員或以官方身分行使職權的人向任何人施以酷刑。那麼為何聯合國禁止酷刑委員會也關注家庭暴力和體罰？

**答** 政府有責任禁止所有酷刑及不人道之處遇，而不應施加任何豁免，這是源於默許原則。無論酷刑及不人道之處遇的形式為何；施暴者是否私人；若政府知悉而不加以阻止，聯合國禁止酷刑委員會就有權處理。你也不想看到政府將暴力外判予私人機構，然後放生，不予追究吧？

**問** 你對香港的酷刑及不人道之處遇的情況有何評論？

**答** 我們生活在香港，其實很幸運，因為香港的法治及紀律部隊培訓還是比其他地方優勝，尤其甚於亞洲，但這不等於我們可以鬆懈。所以我的評論是：保持警惕，律師和民間團體不要滿足於現狀。特別是法院需要繼續質問有問題之處，把那些向任何人施以酷刑及不人道之處遇的紀律部隊成員繩之於法。

近來最廣為人知的酷刑及不人道之處遇個案，想必是遭受香港僱主虐待的印尼外籍家庭傭工 *Lewiana*。此案反映外籍家庭傭工處於弱勢；「兩星期規定」及「強制留宿規定」；把外傭置於易受剝削的險境；礙於懼怕失去工作或合約完結後兩星期內仍然失業而要離港，她們就算遭受暴力對待都難以發聲，寧願啞忍也不據理力爭。



全球酷刑數字

國際特赦組織二〇一四年全球酷刑調查報告

141

根據國際特赦組織報告，過去五年，全球仍有一百四十個國家有酷刑情況

44%

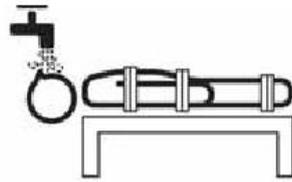
近半受訪者擔心被捕後會遭受酷刑對待

80%

超過八成受訪者希望法律能更有力保障他們免於酷刑

**灌水入鼻**

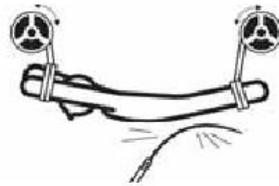
向著鼻孔灌水

**長時間轉動**

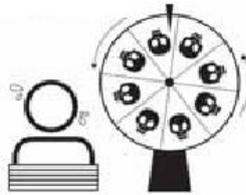
把受刑者綑綁在橫桿上，猶如烤雞般持續數小時轉動橫桿

**向左扯向右扯**

綁住雙手和雙腳，吊高扯向兩邊，維持數小時，並以無情力鞭打下體

**酷刑輪盤**

酷刑輪盤輪流轉幾多重轉，無論怎樣轉都難逃受酷刑煎熬的命運。被捕人士被迫參與「酷刑遊戲」心理壓力有多大？

**半空懸吊**

吊起雙手，懸掛半空，加以鞭打

**頭部電擊**

直至受刑者失去意識

**下體電擊**

會呼吸的痛

**倒吊插水**

不能呼吸的痛

**強力暴打**

無間斷暴打

**鴨仔行**

被迫長時間半蹲著走路，你能熬得多久？



**酷刑有別於不人道之處遇嗎？**

酷刑與不人道之處遇有程度之分，取決於其「所造成的痛楚及痛苦的嚴重程度」。<sup>[1]</sup>前者較重，但兩者皆不可分割。<sup>[2]</sup>

**全面禁止酷刑**

公約訂明在「任何特殊情況，不論為戰爭狀態、戰爭威脅、國內政局動盪或任何其他社會緊急狀態，均不得援引為施行酷刑的理由」。<sup>[3]</sup>（第二（二）條）在二〇〇一年美國九一一恐怖襲擊後，禁止酷刑委員會重申「締約國在任何情況下必須遵守公約第二條禁止酷刑、第十五條禁止酷刑逼供及第十六條禁止不人道之處遇的條文」。<sup>[4]</sup>

**酷刑為刑事罪行**

締約國應將酷刑訂為刑事罪行，並「適用於施行酷刑的企圖及任何人合謀或參與酷刑的行為」。<sup>[5]</sup>（第四（一）條）即使施暴者只是執行上級官員或政府命令，亦不能免責。<sup>[6]</sup>（第二（三）條）

若在訴訟程序中，有人遭酷刑逼供，一經確定，該證供不得成為證據，但可用作控告施暴者嚴刑逼供的證據。<sup>[7]</sup>（第十五條）

**追究酷刑責任**

一旦出現酷刑，締約國應「迅速公正調查」，並「採取步驟確保申訴人和證人不因提出申訴或提供證據而遭受任何虐待或恐嚇」，<sup>[8]</sup>（第十三條）若屬實則按罪行嚴重程度作適當懲罰。<sup>[9]</sup>（第四（二）條）

**補償受害人**

酷刑受害人有权獲得補償，並獲「公平和充分賠償的強制執行權利，其中包括盡量使其完全復原」。如果該人死於酷刑，「其受養人應有獲得賠償的權利」。<sup>[10]</sup>（第十四條）

**預防酷刑**

要預防酷刑，締約國「應採取有效的立法、行政、司法或其他措施」，<sup>[11]</sup>（第二（一）條）並應「經常有系統地審查對在其管轄的領土內遭到任何形式的逮捕、扣押或監禁的人進行審訊的規則、指示、

方法和慣例及對他們的拘留和待遇的安排」。<sup>[12]</sup>（第十二條）

締約國可參考一九九九年《伊斯坦堡議定書：酷刑和其他殘忍、不人道或有辱人格待遇或處罰的有效調查和文件紀錄手冊》。<sup>[13]</sup>締約國應保障被剝奪自由的人的權利，包括「設立被拘留人士的官方名冊；告訴被拘留人士他們的權利；被拘留人士有權迅速獲得獨立法律協助、醫療協助並能與其親人聯絡」等。<sup>[14]</sup>

此外，締約國應培訓公職人員的人權意識，包括「在可能參與拘留、審訊或處理遭到任何形式的逮捕、扣押或監禁的人的民事或軍事執法人員、醫務人員、公職人員及其他人員的訓練中，充分列入關於禁止酷刑的教育和資料」。<sup>[15]</sup>（第十條）

**保障弱勢社群**

禁止酷刑委員會認為締約國應加以保護有可能遭受酷刑的少數或邊緣社群，譬如「種族、宗教、政見或其他見解、性別、性傾向、跨性別身分、殘疾、政治犯、涉嫌恐怖襲擊而被拘留的人、尋求政治庇護人士及難民」等。<sup>[16]</sup>委員會尤其關注基於性別的酷刑或不人道之處遇，譬如「女性身分加上諸如種族、國籍、宗教、性傾向、年齡或移民身分」等，令其有可能「被剝奪自由、接受尤其關於生育決定的治療、社區或家庭暴力」；「男性有可能遭性侵犯、性暴力或性虐待」及「任何人都可能因為實際上或被視為不符合社會期望的性別角色而遭受酷刑或不人道之處遇」。<sup>[17]</sup>

**註釋**

[1] UN Committee Against Torture, General Comment No. 2: Implementation of article 2 by States parties, 24 January 2008, Para. 1

[2] Ibid. Para. 18

[3] Ibid. Para. 10

[4] Ibid. Para. 3

[5] Ibid. Para. 6

[6] Ibid. Para. 14

[7] Ibid. Para. 13

[8] Ibid. Para. 21

[9] Ibid. Para. 22

## 淺談酷刑與聯合國禁止酷刑公約

免受酷刑是每個人的絕對權利，酷刑無論在任何情況也絕不可容忍。《世界人權宣言》第五條和《公民權利和政治權利國際公約》第七條保障「人人免受酷刑、殘忍、不人道或侮辱之處遇或懲罰」，後者第四（二）條訂明即使在緊急狀態，締約國也不能限制上述權利。

《禁止酷刑和其他殘忍、不人道或有辱人格的待遇或處罰公約》（《禁止酷刑公約》）更訂明締約國應有禁止公職人員向任何人施以酷刑的責任，並由聯合國禁止酷刑委員會監察締約國落實公約的情況。自《禁止酷刑公約》於一九八七年生效後，禁止酷刑成為國際習慣法，並適用於所有國家。<sup>[1]</sup>

## 何謂酷刑？

酷刑就是「任何蓄意使某人在肉體或精神上遭受劇烈疼痛或痛苦的行为」，並旨在「向某人或第三者取得情報或供狀」、「對某人或

第三者所作或涉嫌的行為施以處罰」、「恐嚇或威脅某人或第三者」或「基於任何歧視」。（第一條）

公約所規管的酷刑乃「由公職人員或以官方身分行使職權的其他人所造成或在其唆使、同意或默許下造成」，但不包括「純因法律制裁而引起」的「疼痛或痛苦」。（第一條）

不過，禁止酷刑委員會指出政府有責任禁止私人酷刑或殘忍、不人道或侮辱之處罰或待遇（不人道之處遇）。當政府或公職人員「知悉或有合理理由相信有人施行酷刑或不人道之處遇」，應「盡力按照公約阻止、調查、檢控及懲罰施暴者」，否則就會縱容施暴者，變相鼓勵和默許私人酷刑。<sup>[2]</sup>

此外，公約亦保障到外國尋求庇護免受迫害的人。若「有充分理由相信任何人在另一國家將有遭受酷刑的危險，任何締約國不得將該人驅逐、遣返或引渡至該國」。（第三條）



很多讀者未必了解酷刑的國際標準，可是對於酷刑總會略有所聞，中外歷史有所記載；國際新聞常見報導；小說、電影及電視劇都有嚴刑拷問及嚴刑逼供，製造冤獄的情節。在現實中，相信公眾也會同意，執法人員不可用殘暴方法令被捕者作供，又或向在囚人士施以酷刑。

曾遭中國政府以所謂「洩露國家機密」和「間諜」罪名囚禁一千多日的香港資深記者程翔，因為當局強逼他認罪不果，而將他單獨囚禁三個月，身心受到極大創傷。他獲釋後矢志倡議全球禁止單獨囚禁在囚人士，跟本會的全球禁止酷刑運動不約而同。

社會大多數人的共識是賦予執法機構與執法人員一定權力以執行公務，但並非沒有限制，尤其不可容忍公權力侵害個人的絕對權利。這一期專題是《禁止酷刑和其他殘忍、不人道或有辱人格的待遇或處罰公約》（《禁止酷刑公約》），希望透過認識公約及聯合國禁止酷刑委員會關注的香港議題，幫助公眾監察本地人權狀況，共同捍衛法治制度。

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**TORTURE AND THE UN CONVENTION AGAINST TORTURE**