

STOP TORTURE MEDIA BRIEFING

# TORTURE IN 2014

30 YEARS OF BROKEN PROMISES

AMNESTY  
INTERNATIONAL



**Amnesty International is a global movement of more than 3 million supporters, members and activists in more than 150 countries and territories who campaign to end grave abuses of human rights.**

**Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights standards.**

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**“NO ONE SHALL BE SUBJECTED TO TORTURE OR TO CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT”  
UNIVERSAL DECLARATION OF HUMAN RIGHTS, ARTICLE 5**

# **1. ULTIMATE CORRUPTION OF HUMANITY – A GLOBAL CRISIS OF BARBARISM, FAILURE AND FEAR**

## **INTRODUCTION BY SALIL SHETTY, SECRETARY GENERAL, AMNESTY INTERNATIONAL**

Electric shocks. Beatings. Rape. Humiliation. Mock executions. Burning. Sleep deprivation. Water torture. Long hours in contorted positions. Use of pincers, drugs, and dogs.

The very words sound like the stuff of nightmares. But every day and across every region of the world, these unimaginable horrors are the reality for countless men, women and children.

Torture is abhorrent. It is barbaric and inhumane. It can never be justified. It is wrong, self-defeating and poisons the rule of law, replacing it with terror. No one is safe when governments allow its use.

The world’s governments recognized these fundamental truths when, in the aftermath of the atrocities of the Second World War, they adopted the Universal Declaration of Human Rights in 1948. This enshrined the basic right of all of us, everywhere, to live free from torture, free from cruelty.

This right – at the heart of our shared humanity – was later enshrined in a legally binding international agreement through an explicit and absolute prohibition against torture and other ill-treatment, in the 1966 International Covenant on Civil and Political Rights.

30 years ago this year, this progress was further built upon by the UN Convention Against Torture. The Convention was groundbreaking: it offered a set of concrete steps to make the global ban on torture a reality, by establishing a set of measures, enshrined in law and specifically designed to prevent torture, punish perpetrators and ensure justice and redress to victims. These measures intend not only to end torture and other ill-treatment nationally, but also to ensure that no-one is deported across borders to be tortured, and that there is no safe haven for perpetrators.

Torturers are now international outlaws. A robust international legal framework has been built up and 155 countries are state

parties to the UN Convention. This is real and meaningful progress.

But many governments are betraying their responsibility. Three decades on from the Convention – and more than 65 years after the Universal Declaration – torture is not just alive and well. It is flourishing.

The outrageous extent of torture today exposes the gulf between what promises governments made 30 years ago and what governments do today.

Over the past five years, Amnesty International has reported on torture and other ill-treatment in 141 countries and from every world region. While in some of these countries Amnesty International has only documented isolated and exceptional cases, in others torture is systemic. But even one case of torture or other ill-treatment is unacceptable.

This figure gives a sense of the scale of the problem but we can only report on those cases known to us. By no means do they reflect the full extent of torture in the world. Nor do they begin to describe the despicable reality of torture, or the true cost of lost and ruined lives.

Torture is a favoured tool of the forces of repression, but its use is not restricted to tyrants and dictators, even if it is prevalent under such regimes. Nor is it the preserve of the secret police. While many states have taken the universal prohibition seriously and made significant strides in combating torture, governments across the political spectrum and from every continent still collude in this ultimate corruption of humanity: using torture to extract information, force confessions, silence dissent or simply as a cruel punishment.

Alarming, a new global poll commissioned by Amnesty International reveals that – 30 years after the UN Convention – almost half of the world's population still do not feel safe from this horrific abuse.

#### A GLOBAL CRISIS OF BARBARISM, FAILURE AND FEAR

Although governments have prohibited this dehumanizing practice in law and have recognized global disgust at its existence, many of them are carrying out torture or facilitating it in practice. The political failure by governments is compounded and fuelled by a corrosive state of denial. Those who order or commit torture usually escape justice. Torture is mostly carried out with impunity, with no investigation and no one prosecuted.

Rather than respecting the rule of law through zero-tolerance of torture, governments persistently and routinely lie about it to their own people and to the world. Rather than ensuring effective safeguards to protect their citizens from the torturer; instead they allow torture to thrive.

The pervasive and pernicious nature of this abuse demonstrates that a global ban is not enough.

Our worldwide poll also shows that the overwhelming majority of people want clear rules against torture. Such rules and other safeguards could prevent and ultimately bring an end to torture. Double standards on torture must be tackled head on. Impunity must end.

For more than 50 years, Amnesty International has been fighting to stamp out one of the most insidious acts one human being can perpetrate against another. 30 years ago, our movement led the campaign to secure the UN Convention Against Torture. Now we are launching a worldwide “Stop Torture” campaign to get that promise fulfilled.

This latest campaign is a rallying call to stop torture. And we can: if all of us – from those on the street to heads of state – stand between the tortured and the torturer.

Amnesty International is mobilizing across the world to end torture. We will target governments, demonstrate, and expose the brutality of this noxious abuse. We will stand alongside those who bravely defend others against torture. Together we will intervene whenever people are tortured. We will hold torturers to account. Torture survivors will know they are not forgotten and not alone.

Combating torture is part of our history, it is our legacy and – until the final torture chamber closes for business – it is our future.

## 2. TORTURE – A HUMAN RIGHTS VIOLATION AND A CRIME

**TORTURE OCCURS WHEN A PERSON INTENTIONALLY INFLECTS SEVERE PAIN OR SUFFERING ON ANOTHER FOR PURPOSES SUCH AS OBTAINING INFORMATION OR A CONFESSION, OR PUNISHING, INTIMIDATING OR COERCING SOMEONE. THE PERPETRATOR HAS TO BE AN OFFICIAL, OR THERE SHOULD AT LEAST BE SOME DEGREE OF OFFICIAL APPROVAL OF THE ACT.**

This bald summary of the legal definition of torture in the UN Convention against Torture intends to reflect the necessity of the total rejection of an act where one human being targets the body and/or mind of another, and deliberately causes him or her great pain, creating the pain as a means to an end, and turning his or her victim into a mere tool.

It is no wonder that the right to freedom from torture and other cruel, inhuman or degrading treatment or punishment is probably the human right most robustly protected under international law.

States' obligations under international law leave them with absolutely no wriggle room. Torture and other ill-treatment are prohibited always, everywhere and against anyone. This prohibition extends to the worst emergencies including war, internal disturbances and natural or man-made catastrophes. It protects the most feared individuals such as enemy soldiers and spies, serious criminals and terrorists.

In legal terms, the absolute prohibition on torture and other ill-treatment is “non-derogable”, that is, it cannot be relaxed even in times of emergency. The prohibition has achieved such a strong international consensus that it has become a rule of customary international law, which is binding even on states which have not joined the relevant human rights treaties.

Acts of torture and certain types of other ill-treatment are also crimes under international law. They are war crimes under all four Geneva Conventions (ratified by every single state in the world). In addition, under certain circumstances, these acts could amount to crimes against humanity or to acts of genocide for instance under the Rome Statute of the International Criminal Court.

But even a single act of torture is a crime under international law. This means – at least for the 155 states which have ratified the Convention against Torture – governments must criminalize torture, investigate thoroughly and impartially any complaints, and prosecute perpetrators whenever there is sufficient evidence.

When a suspected torturer is present in a state that is party to the Convention against Torture, then – even if the act of torture has taken place in another country and none of its citizens are involved – the state must exercise “universal jurisdiction” over the crime, by examining the case, apprehending the suspect if necessary, then either extraditing him or her to another country or court for prosecution, or else prosecuting the suspect itself.



All victims of torture and ill-treatment – survivors of torture as well as the families of those tortured to death – are entitled to compensation, rehabilitation, justice and other forms of redress.

30 years on from the UN Convention, it is beyond time to ensure that these laws and standards are fully implemented in practice, everywhere.

## 3. GLOBAL SCALE OF TORTURE

A comprehensive and categorical statistical assessment of the global scale of torture is impossible. Torture takes place in the shadows. It is an international crime, a political and diplomatic embarrassment and an abuse that almost every government will agree is wrong and condemn with rhetoric if not with concerted action. Governments often invest more effort in denying or covering up the existence of torture than in delivering effective and transparent investigations into allegations and prosecuting perpetrators.

At the same time, in many countries torture is probably under-reported. Many victims are criminal suspects, for example, who often are less able to complain or who are easily ignored or dismissed when they do. Other victims are frequently unable or too afraid to report torture, or lack confidence there will be meaningful action.

Solid country-by-country statistics are not available. It is impossible to say how many people were tortured in the last century, the last decade or the last year. All statistics on torture – whether in the total number of countries in which torture is reported, or the rise and fall in allegations in a specific country – need to be treated with caution.

However, Amnesty International's evidence and global research combined with more than five decades of experience of documenting and campaigning against this abuse, reveals that, 30 years after the UN Convention against Torture, torture is flourishing.

Over the past five years, Amnesty International has reported on torture and other ill-treatment in at least three quarters of the world's countries. In some of these countries, torture and ill-treatment constitute isolated occurrences, in a great many torture is still routine.

Between January 2009 and May 2013, Amnesty International received reports of torture and other ill-treatment committed by state officials in 141 countries, and from every world region. This only indicates cases reported to or known by the organization and does not necessarily reflect the full extent of torture worldwide. As these statistics err firmly on the side of caution, the actual prevalence of torture and other ill-treatment is probably even worse.

## 4. WHO IS AT RISK?

Once governments use or allow torture, no one is safe. Almost anyone can be a victim, regardless of age, gender, ethnicity or politics. Frequently, authorities torture first and ask questions later.

Some are tortured simply because they were in the wrong place at the wrong time; because of mistaken identity; or because they have incurred the displeasure of powerful interests, whether financial or political. This can be a notable problem in countries where police corruption is rife.

However, some individuals and groups are more vulnerable than others. In numerous countries, individuals are tortured because of their political views or because they use their freedom of expression. People belonging to a particular religious or other minority group, or targeted because of their identity, also face increased risk. Criminal suspects are frequently victims of torture. Members of armed groups, those suspected of terror-related offences, or otherwise deemed to constitute a threat to national security, are particularly at risk; indeed, in many countries, are almost certain to be tortured. Many victims come from already disadvantaged groups: women; children; members of ethnic minorities; lesbian, gay, bisexual, transgender and intersex people; and, overwhelmingly, the poor. These are the very people who find access to redress difficult or impossible. They may lack the know-how, contacts or finances to pursue a complaint against their torturers. They may find that the authorities are unlikely to believe them, and they may suffer further abuse for daring to complain.

Children and young people are victims of torture in many countries. Children in police custody are particularly vulnerable to rape and other forms of sexual abuse, both by police officers and other detainees.

Rape and other sexual attacks on women by state agents are reported in many countries. Women may have less access to legal remedies and be subject to discriminatory laws, making it even harder for them to secure justice for torture.

Both women and men – but mostly women – are subject to gender-based torture, including in the form of rape and other sexual violence. Some forms of torture and other ill-treatment are unique to women including forced abortions, denial of abortions, forced sterilization and female genital mutilation. Lesbian, gay, bisexual, transgender and intersex prisoners will also be targeted in different ways from heterosexual prisoners. For example, transgender prisoners are often held in facilities for their gender at birth rather than their gender of choice, and lesbian and gay prisoners will more often be targeted for sexual and other violence than heterosexual prisoners, whether by other prisoners/detainees or prison staff.

Measures to combat torture must therefore be gender-sensitive and gender inclusive as well as being sensitive and inclusive of the specific measures needed to ensure the protection of lesbian, gay, bisexual, transgender and intersex persons.

## 5. WHEN AND WHY DOES TORTURE HAPPEN?

The two over-arching reasons that torture occurs is that governments believe that they benefit from torture, and the persistence of a culture of impunity (the failure to bring to justice those responsible for serious violations of human rights and international humanitarian law).

In many countries, torture is often used not only to inflict pain on a specific victim, but also to terrorise others – be they suspected criminals, political dissidents or perceived enemies – so as to deter them from taking whatever action the government deems threatening to its interests. Torture is often an abusive shortcut to extracting “confessions” – a victim would often sign anything to stop it. This, with the co-operation of courts that turn a blind eye, enables police to get convictions quickly and smoothly, though the actual criminal may be still free on the streets. It can also be part of routine police behaviour to humiliate and extort money from victims.

Governments in many parts of the world rarely investigate, prosecute, try and punish torture as a serious crime under criminal law. Where investigations do occur, they are often stalled through inaction, ineffectiveness or complicity of the investigating body. Torturers are rarely brought to account.

There are many obstacles to prevention, accountability and justice. Detainees are kept separate from the outside world; in particular they are denied prompt access to lawyers and independent courts. Prosecutors fail to vigorously pursue investigations. Victims fear reprisals, or social stigma, for example around rape. The few convicted police officers face only light penalties. Independent systems for monitoring complaints and investigating alleged abuses are absent. Fellow state officials use a misplaced esprit de corps and cover up abuses. Torturers are amnestied and pardoned, and the political will to change does not exist.

People deprived of liberty risk being subjected to torture when clear and robust safeguards are absent, insufficient or ineffective.

There is a consistent pattern of torture while being held by police before charge and in pre-trial detention. Torture can begin quickly after arrest, or even during arrest so safeguards must be put in place and observed from the start. However, there are reports of torture at every stage of people’s interaction with police or security services from being taken into custody through to detention and prison.

Enforced disappearance increases risk of torture, and is itself almost invariably a form of torture for the disappeared person and a form of ill-treatment for the individual’s family. Like torture, enforced disappearance is absolutely prohibited under international law.

Reports of people being held in unidentified places or secret detention centres persist. Every instance of secret detention amounts to an enforced disappearance.

Detention without access to the outside world, known as incommunicado detention, facilitates torture and amounts to cruel, inhuman and degrading treatment or even torture.

In cases of brutality and abuse by private individuals, governments are obliged under international law and standards to ensure the right of everyone without distinction to be free from torture and ill-treatment. This extends to protecting individuals against abuses that are of similar nature and severity and are committed by private individuals, groups or institutions. A government may therefore be in breach of its international obligations regarding torture and ill-treatment where it fails to act with due diligence in preventing, prosecuting and punishing acts such as domestic violence or racist attacks.

Holding states accountable for inaction on abuses by private individuals is crucial in defending the rights of women, children, minorities and lesbian, gay, bisexual, transgender and intersex people, and others facing discrimination. Institutionalized discrimination often means that victims are less likely to receive protection and support from the authorities. Some forms of violence against women, for example, are not even recognized as crimes in many countries; where they are, they are seldom prosecuted with vigour.

In several countries, non-state actors such as members of a political party or armed group perpetrate torture.

## 6. GLOBAL CAMPAIGN – STOP TORTURE

In May 2014, Amnesty International launches its global Stop Torture campaign to ensure that everyone be protected from torture. In the thirtieth anniversary year of the UN Convention Against Torture, the organization is building on more than 50 years of experience to insist that governments live up to their promises and respect international law. It is urging people to demand a stop to torture.

The campaign focuses on all state custody contexts. This includes: ordinary criminal justice systems; people held by the military, police forces, Special Forces, secret services; situations involving emergency laws, regulations or provisions; and unofficial or secret places of detention (where risk of torture significantly increases). The campaign does not include torture by non-state actors or ill-treatment occurring out of state custody, such as excessive use of force during demonstrations, though Amnesty International will continue to work vigorously on these forms of abuse as well. Amnesty International will mobilize its global membership on the following five countries, Nigeria, Mexico, Philippines, Uzbekistan and Morocco/Western Sahara.

Amnesty International is seeking the establishment and implementation of effective safeguards against torture as the route to change. When effective safeguards are in place, people are protected. When safeguards are not in place or not put into practice, torture thrives.



## 7. A KEY SOLUTION – SAFEGUARDS

**GOVERNMENTS MUST PUT IN PLACE AND GENUINELY APPLY EFFECTIVE SAFEGUARDS AGAINST TORTURE. SAFEGUARDS ARE A KEY SOLUTION, WHERE SAFEGUARDS ARE EFFECTIVELY IMPLEMENTED, REPORTS OF TORTURE FALL DRAMATICALLY.**

A list of essential safeguards follows.

### AT ARREST

- Arrests made only by authorized officials and on proper grounds.
- Individuals informed of reason for their arrest and their rights.
- Those arrested have the right to notify family and others.
- Torture and other ill-treatment must be prevented during transport of detainees, including between places of detention and to and from courts.
- Official records of arrests must be kept.

### IN DETENTION

- Secret and incommunicado detention must be prohibited by ensuring access to, for example, relatives, medical care, legal counsel, courts.
- All detainees should be treated humanely, with detention conditions that are dignified and conducive to detainees' mental and physical well-being.
- Easy access is available to an independent, impartial and efficient complaints mechanism without suffering any adverse consequence

### WITHIN JUDICIAL PROCESS

- Prisoners are promptly brought before an independent judicial authority.

- The right to access to a lawyer from the outset of detention is respected.
- Prisoners are able to challenge lawfulness of their detention.
- Use of statements obtained through torture or ill-treatment in court is prohibited, except as evidence of these acts.

## **DURING QUESTIONING**

- All interrogation techniques and coercive measures that amount to torture and other ill-treatment are prohibited.
- Video, or at least audio, monitoring and recording of all questioning sessions is provided.
- A Lawyer is present during questioning.
- The right to an interpreter is respected.
- Medical examinations and services throughout the period of questioning are available.
- Detailed records are kept of all questioning sessions.
- Authorities responsible for detention are separate from those in charge of questioning.

## **PARTICULAR DETAINEES**

- International law and standards contain provisions addressing the specific needs and rights of particular groups of people deprived of liberty including women, children and people with disabilities.

## **AFTER RELEASE**

- Release from custody is a moment which carries further risks. Release should always allow individuals to claim their rights in case they have suffered torture and other ill-treatment in custody. This includes:
  - Keeping proper records of release from detention;
  - Availability of independent and effective complaint mechanisms for released prisoners, with safeguards against reprisals or harassment of complainants and their families;
  - Availability of medical examination/certificate from independent forensic doctors;
  - Not being transferred, directly or indirectly, to countries or places where the individual might be at risk of torture and other ill-treatment.

## **OVERARCHING MONITORING/OVERSIGHT MECHANISMS**

- Effective oversight mechanisms should ensure all places where people are deprived of liberty are subject to independent monitoring. Similarly they should monitor the conduct of law enforcement agencies.
- Monitoring of detention facilities could be carried out by organizations and bodies such as:



- National human rights institutions;
- National preventative mechanisms established under the Optional Protocol to the Convention against Torture or modelled on them;
- National, regional and international non-governmental organizations;
- Regional bodies (such as the African Union's Special Rapporteur on Prisons and Conditions of Detention or the Council of Europe's Committee for the Prevention of Torture);
- International bodies (such as the Sub-Committee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of the Committee against Torture, Committee against Torture, and UN Special Rapporteur on Torture).

## **BRINGING TORTURERS TO JUSTICE**

In many countries impunity for torturers is endemic and allows torturers to operate without fear of arrest, prosecution or punishment. Impunity undermines criminal justice systems and the rule of law. It means denial of justice for victims.

Impunity is often due to lack of political will, since the state itself – or a state arm such as the police or military – is frequently directly responsible or complicit in torture. In many countries, the thoroughness and impartiality of investigations into torture allegations are undermined by the fact that they are carried out by fellow law enforcement officials or prosecutors that work closely with those accused. Impunity can also result from a government's failure to prioritize human rights on its domestic political agenda, or from an agreement between two sides in an armed conflict not to investigate and punish perpetrators of abuses.

A state's failure to bring torturers to justice often goes hand-in-hand with a refusal to investigate and unwillingness to provide reparations for victims. The result is often a threefold breach of international obligations by the state: under international law victims have the right to know the truth about what happened, to see justice done and to have the harm they suffered repaired to the extent possible.

Effective, independent mechanisms for investigating and prosecuting torturers are essential. These must be backed up by the political will to bring in necessary reforms to laws and institutions, maintain permanent vigilance, combat discrimination and act on every torture case

## 8. CAMPAIGN FOCUS COUNTRIES

### NIGERIA



**MOSES AKATUGBA**

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“The pain of torture is unbearable. I never thought I would be alive till this day. The pain I went through in the hands of the officers was unimaginable. In my whole life, I have never been subjected to such inhuman treatment.”

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Police arrested and tortured Moses Akatugba in 2005 when he only 16 years old. Moses said police beat him, shot him in the hand, and hung him by his limbs for hours at the station.

Moses states he only signed a confession agreeing he was involved in a robbery because of the torture. In November 2013, after waiting eight years for a verdict, Moses was sentenced to death. His allegations of torture were never investigated.

Amnesty International is calling on Dr Emmanuel Uduaghan, Governor of Delta State, to discard the death penalty sentence and investigate the torture of Moses Akatugba.

There is evidence of increasing use of torture in Nigeria. Amnesty International’s recent research indicates that police and military personnel routinely use torture to extract information and “confessions”, and to punish and exhaust detainees. In contravention of national and international law, information extracted by torture and ill-treatment is routinely accepted as evidence in court. The authorities apparently lack the political will to adhere to international human rights obligations.

## MEXICO



### CLAUDIA MEDINA

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*“What Amnesty International can do is support me, so that it is made known in all other countries what is happening in Mexico, what the Mexican authorities are doing”*

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Mexican marines broke into Claudia Medina’s home in Veracruz on 7 August 2012 at around 3am. They took her to the local navy base where she was given electric shocks, forced to inhale a very spicy sauce, and she was wrapped up in plastic while beaten up and kicked in order to disguise the subsequent marks. The marines accused her of being a member of a powerful and violent criminal gang. Claudia said she did not know anything about them.

She was pressured into signing a false testimony without reading it. Later she told Amnesty International: “If they had not tortured me, I would not have signed the statement.”

Despite most of the charges being dropped, one serious charge still stands against Claudia – and no investigation into her allegations of torture by government forces has taken place.

An effective medical examination must be carried out as part of a swift, full and impartial investigation, as established in the internationally recognized Istanbul Protocol – which provides a comprehensive set of international guidelines for documentation and investigation of torture and its consequences.

Amnesty International is calling on Mexico’s Federal Attorney General to launch an effective investigation into the alleged torture and ill-treatment suffered by Claudia Medina, make its results public and bring those responsible to justice.

Use of torture and ill-treatment by security and police forces remains widespread throughout Mexico, and impunity rife. Mexico has made numerous commitments to prevent and punish torture and ill-treatment, but these measures are inadequate and largely ignored. Legislation criminalizing torture is routinely sidestepped, as is legislation that should prevent evidence obtained under torture from being used in criminal trials. Yet the government is content to argue that torture and ill-treatment are no longer regular occurrences.

## PHILIPPINES



### ALFREDA DISBARRO

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*“He [an unofficial police auxiliary] put a bottle of alcohol on top of my head and aimed his gun at it. He said he would shoot the bottle on my head. He was one and a half yards away from me. In the end he did not shoot, but I was so afraid that I would get shot. I just closed my eyes in fear.”*

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On 3 October 2013, Philippine police approached single mother Alfreda Disbarro in a public place and accused her of being a drug pusher. Alfreda denied the allegation and voluntarily emptied her pockets revealing just a mobile phone and a five-peso coin. Without warning, the police pointed a gun at her and punched her in the chest. She was handcuffed and taken to Paranaque Police Headquarters.

Attempting to force an admission of guilt, a senior police officer pinned Alfreda against a wall. He repeatedly punched her in the stomach and face, hit her with a club, poked his fingers in her eyes, slapped her, forced her to eat a mop and banged her head against the wall. She was in such pain in the days that followed the beatings that she could not eat, had difficulty breathing and kept vomiting.

Alfreda is currently detained in a local city jail and is awaiting trial on the charges of sale and possession of illegal drugs. Although she has been examined by a medical officer, no investigation has been initiated on what was done to her by the police.

Amnesty International is calling on the Philippine National Police Internal Affairs Service to open an investigation into the allegations of torture and ill-treatment suffered by Alfreda Disbarro and to ensure this investigation is prompt, impartial, effective and efficient.

The use of torture is widespread in the Philippines. State security forces including law enforcement officers torture suspects and prisoners. Justice is out of reach for the vast majority of people who are tortured. Perpetrators are almost never held to account. The country has an extensive legislative framework to stop torture, and the government has pledged to increase its efforts to ensure these laws are implemented. The Philippines is also party to key international anti-torture laws and mechanisms. Yet impunity persists.

## UZBEKISTAN

### ERKIN MUSAEV

Erkin Musaev, a former Ministry of Defence official, was working for the UN Development Programme in Uzbekistan when he was detained by National Security Service (SNB) officers in January 2006. He was charged with spying and held incommunicado in SNB detention for several weeks where he was reportedly subjected to a month-long regime of daytime beatings, night-time interrogations, and threats to harm his family.

Erkin Musaev eventually signed a confession on the condition that the SNB leave his family alone. He was sentenced to a total of 20 years' imprisonment for treason and abuse of office following three unfair trials in 2006 and 2007. All three courts dismissed without due consideration formal complaints by Erkin Musaev that he was tortured in detention. In May 2012, the UN Human Rights Committee concluded that Uzbekistan had violated Erkin Musaev's rights under Article 7 (prohibition of torture) of the International Covenant for Civil and Political Rights.

Amnesty International is calling for a thorough, impartial, effective investigation into the torture allegations.

Torture and ill-treatment is rife in Uzbekistan. Amnesty International receives persistent and credible allegations of routine and pervasive torture and ill-treatment by security forces and prison personnel. Reports suggest that people are tortured when arrested, transferred and awaiting trial, and in detention facilities. Very few people are brought to justice for inflicting torture, and the authorities routinely fail to conduct effective investigations into allegations of torture and ill-treatment.

## MOROCCO AND WESTERN SAHARA



### ALI AARRASS

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*“Experiencing injustice, and being deprived of one’s freedom causes great psychological and physical damage. But what is even more morally devastating is being abandoned, forgotten, when relatives and friends give up the fight, while one is walled in and helpless. I thank God this is not my case. But I urge you to think of all those who are in that situation, victims of arbitrary detention who are abandoned by all.”*

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On 24 November 2011, Ali Aarrass was convicted for allegedly aiding and belonging to a criminal gang and a group intending to commit acts of terrorism. The “confession” he gave under torture and which he recanted in court was reportedly the only evidence presented in his trial.

Ali Aarrass reported being tortured while held incommunicado for 12 days in a secret detention centre run by one of Morocco’s intelligence bodies, the General Directorate for the Surveillance of the Territory (Direction générale de la surveillance du territoire, DST), in December 2010.

He described being beaten on the soles of his feet, given electric shocks to his testicles, suspended by his wrists for long periods and burned with cigarettes.

Amnesty International calls on the Moroccan authorities to comply with the UN Working Group on Arbitrary Detention’s 28 August 2013 deliberation recognizing Ali Aarrass’ detention as arbitrary and calling for his immediate release and access to adequate reparation.

The rule of King Hassan II from 1956 to 1999 (known as the “years of lead”) was characterized by repression of political dissent, the enforced disappearance of hundreds of individuals, arbitrary detention of thousands of others, and the systemic use of torture and other ill-treatment.

Though the human rights situation has improved significantly since the accession to the throne of King Mohamed VI, Amnesty International continues to receive reports of torture and other ill-treatment by police or gendarmerie during interrogation in pre-arraignment detention, and, in fewer cases, in prisons and while detained incommunicado in secret detention centres.

Torture and other ill-treatment have been explicitly prohibited and identified as a crime in Moroccan law for several years,

but they continue in practice. Judges and prosecutors rarely investigate reports of torture and other ill-treatment, meaning few perpetrators are held accountable. The resulting climate of impunity cancels out the dissuasive power of Morocco's anti-torture legislation.

Shortcomings of the justice system, such as the absence of lawyers during police interrogation, continue to create conditions conducive to torture and other ill-treatment. Torture-tainted "confessions" included in police interrogation reports are still central to securing convictions, at the expense of material evidence and witnesses testifying in court. Current plans to overhaul Morocco's justice system present an unprecedented opportunity for change.

## 9. TORTURE METHODS

Torture methods recorded by Amnesty International vary from country to country and from region to region. Some examples of torture methods reported on by Amnesty International follow.

**Beating** is today the most common method of torture and ill-treatment used around the world. Beatings may involve kicking and punching and also the use of sticks, gun-butts, makeshift whips, iron pipes, baseball bats and shock stun batons. Victims can suffer bruises, internal bleeding, broken bones, lost teeth, ruptured organs and sometimes death.

Other prevalent methods include use of **electric shocks**, **stress positions** and **prolonged isolation**, which can see victims left in solitary confinement for months or even years on end.

Less common but still widely used techniques are **whipping**, **mock executions**, **water boarding** and **asphyxiation**, often using plastic bags or sealed gas masks.

Allegations of **victims having needles pushed under their fingernails**, **being burnt with cigarettes** and even **stabbed** whilst in custody have surfaced from some regions, along with reports of prisoners being **forced to drink their own urine, dirty water and chemicals**.

**Sleep deprivation** and **sensory deprivation** have been reported. There have been reports of some victims **being deprived of food and water for days on end**.

Use of **rape** and the **threat of rape** are reported from several countries, with **humiliation** another common method. Mock executions and **threat of violence** toward the victims and/or the victim's family members are common forms of mental torture.

**Forced administration of psychotropic drugs** has been reported, as has **use of forced abortion and sterilization** as a form of torture.

Many prisoners endure filthy, overcrowded cells in stifling heat. **Abysmal detention conditions** can – when used intentionally and purposefully – amount to torture.

Several nations still use **judicial corporal punishment**. The most common forms include **flogging** and **amputation**. Amputation and **branding** are among methods designed to permanently mutilate; but all corporal punishments can cause long-term or permanent injuries. Whatever their status in national laws, all forms of corporal punishment are prohibited under international law, being cruel, inhuman and degrading and often amounting to torture.

Some governments use a victim's religion to inflict torture or ill-treatment, such as **forcible shaving** of Muslim men's beards.

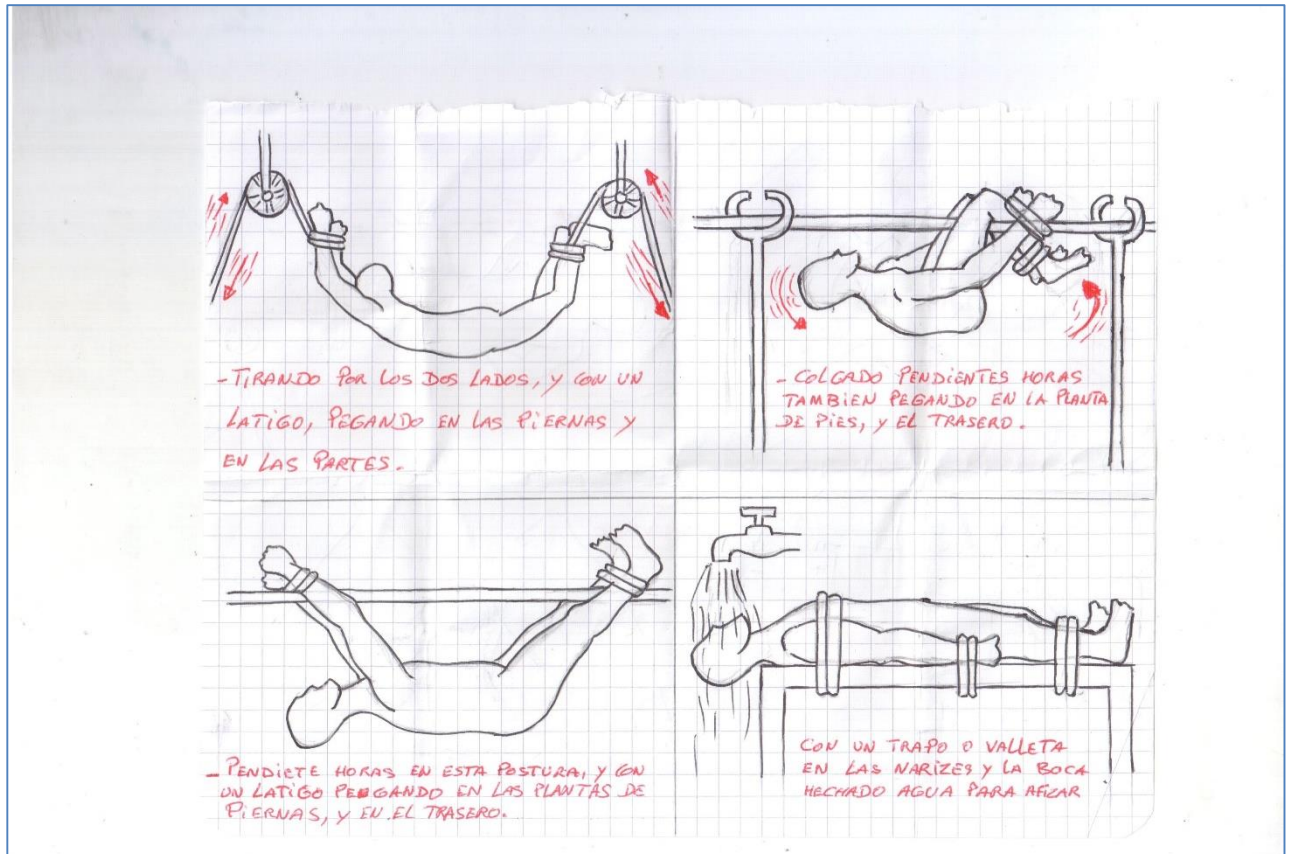
Victims have been **made to endure long periods of extreme heat or cold**, often for days on end. Some report having **boiling hot water continuously poured onto their bare skin** or having their knees, elbows and shoulders **attacked with electrical drills**.



Torture can include **use of dogs or rats**; repeated **insults** with a racial and religious focus; and **hooding and blindfolding**.

There have been reports of prisoners being deliberately or negligently **denied medical care** while in custody, sometimes resulting in death.

Torture can cause permanent or long-term physical harm, and although many techniques may not leave physical scars, all methods can have devastating and long-term consequences. Common psychological symptoms include: anxiety disorders; depression; irritability; shame and humiliation; memory impairment; reduced capacity to concentrate; headaches; sleep disturbance and nightmares; emotional instability; sexual problems; amnesia; self-mutilation; preoccupation with suicide; and social isolation.



These sketches were drawn with the assistance of a fellow detainee under guidance from Ali Aarrass (case details above) and depict his torture in Morocco in 2010.

[Captions, clockwise from top left]

We have translated Ali's own handwritten descriptions of his torture from Spanish (clockwise from top left):

1. "Pulling from both sides, and hitting the legs and the [private] parts with a whip."
2. "Hanging for hours, also hitting on the soles of the feet and the behind."
3. "With a tap or cleaning cloth, pouring water into the nostrils and the mouth to drown."
4. "Spending hours in this position, and hitting the legs and the behind with a whip."

## TORTURE METHODS RECORDED IN THE PAST YEAR

**During 2013-14, Amnesty International has recorded at least 27 methods of torture used worldwide. This is not an exhaustive list. Some techniques have been used systematically for years, while some may be single incidents.**

1. Beating
2. Electric shocks
3. Stress positions
4. Prolonged isolation
5. Whipping
6. Mock executions
7. Water torture / forced suffocation
8. Prisoners having needles pushed under their fingernails
9. Cigarette burns
10. Stabbing
11. Forced drinking of dirty water, urine and chemicals (*chiffon*)
12. Sleep deprivation
13. Sensory deprivation
14. Forced abortion and sterilization
15. Rape / threat of rape
16. Humiliation
17. Threats of violence to prisoner / their family
18. Forced administration of drugs
19. Inhumane detention conditions
20. Deprivation of food and water
21. Judicial corporal punishment

22. Forcible shaving of Muslim men's beards
23. Prisoners made to endure long periods of extreme hot/cold
24. Boiling water poured onto prisoners
25. Prisoners having their joints drilled
26. Denial of medical care
27. Melting plastic poured on prisoners' back



A "wheel of torture" at an undisclosed police safe house in Laguna province, south of Manila, Philippines. Early in 2014, police officers in this facility hit international headlines when they were discovered spinning this wheel as a fun way to decide what method of torture to use on detainees.

© Philippine Commission on Human Rights

## 10. TOOLS OF TORTURE IN DETENTION

Despite the absolute prohibition on torture and other ill-treatment, equipment is manufactured by private companies that has no other practical use than to inflict such abuse. This equipment is then sold to law enforcement agencies in a number of countries around the world.

Amnesty International is campaigning to completely prohibit certain types of equipment in law enforcement, and also to strictly regulate the uses and trade of other types of equipment considered to have legitimate law enforcement uses but which can be misused for torture or ill-treatment.

Amnesty International has adopted a three-pronged approach to urge authorities worldwide to address the use and trade of different types of equipment:

1. **Ban inherently inhumane equipment offered for law enforcement.** These are items with no practical use other than for capital punishment, torture and other ill-treatment, like restraint chairs, weighted leg cuffs, thumb cuffs, batons and truncheons with spikes. It also includes body-worn electric shock equipment and combination cuffs which fasten around the neck and wrists and/or ankles
2. **Suspend use and investigate effects of law enforcement equipment that lends itself to torture due to its design.** Examples of such equipment are handheld electroshock stun devices, certain acoustic weapons, and some plastic and rubber projectile rounds that are inaccurate or whose launchers too powerful. This category usually includes devices resulting from recent developments in law enforcement weapons technology
3. **Strictly control permissible law enforcement equipment that is misused for torture** such as ordinary police and prison handcuffs and handheld batons such as truncheons

### EU REGULATION

The EU regulation on tools of torture is the only example worldwide of international legal co-operation to ban trade in tools of torture and other ill-treatment. Amnesty International is promoting the establishment of similar rights-based exports controls in other parts of the world. In June 2005, the EU introduced unprecedented and binding trade controls on a range of equipment which is often used in capital punishment, torture and other ill-treatment known as tools of torture but which has not usually been included on EU member states' military, dual-use or strategic export control lists.

# 11. REGIONAL SNAPSHOTS

## AFRICA

Torture and other ill-treatment are rife across Africa, a region where more than 30 countries – including Angola, Chad, Gabon and Sierra Leone – do not even punish it by law. Torture in detention is endemic in many countries and efforts to bring those responsible to justice have been extremely limited. The African Charter on Human and People’s Rights expressly prohibits torture, but only 10 states have national legislation that criminalize this act.

### POLICE ABUSE AND FORCED CONFESSIONS

Torture during detention as a means of extracting confessions is deeply entrenched in the culture of security forces in many countries across Africa, including in Ethiopia, the Gambia, Kenya, Mali, Mauritania, Nigeria, Senegal, Sudan and Zimbabwe.

Detainees are usually beaten, tied in painful positions, held in extreme weather conditions, suspended from ceilings and sexually abused.

In Mauritania, courts have even declared that “confessions” extracted under torture and other ill-treatment are admissible as evidence, even if they are subsequently retracted.

In countries where homosexuality is illegal – including Cameroon and Zambia – individuals perceived as gay are subjected to forms of torture that include forced anal examinations.

On 6 May 2013, two men in Zambia were arrested on charges of having sex “against the order of nature”. They have been subjected to forcible anal examinations and are still awaiting trial.

### CORPORAL PUNISHMENT

In Sudan, the “Public Order Regime” imposes corporal punishment for what is seen as immoral and/or indecent behaviour in public.

Last November, two prominent human rights activists were accused of “indecent behaviour” after one of them allegedly placed his hand on the other one’s shoulder. The charges were eventually dropped a month later after a judge in Port Sudan ruled that there was insufficient evidence against them.

Amputation is also used in Sudan as a form of punishment: at least 16 sentences have been carried out since 2001. For instance, three men had their right hands amputated in April 2013 in North Darfur. They were found guilty of stealing cooking oil worth US\$ 3,300 after a trial in which they did not have a defence lawyer.

## PRISONS

Prison conditions are extremely inhuman across Africa – in countries including Cameroon, Ghana, Liberia, Mauritania, Mauritius and Nigeria – with severe overcrowding and chronic lack of sanitation.

In Liberia, Amnesty International witnessed severe overcrowding, lack of running water and very poor sanitation. Cells are so small that inmates have to take turns to sleep.

Reports of abuse against prisoners, including beatings and rape, are also routinely documented in Angola and Mozambique, among others.

Abuse against prisoners has also been documented in Eritrea, where many individuals – including government critics and dissenters – have been beaten, forced to walk on sharp objects barefoot or to roll on the ground over sharp stones as punishment for trying to flee the country and other alleged offences, to extract information from them, or to force them to renounce their religion.

Other allegations of abuse, including the use of electric shocks and beatings emerged in 2013 from the privately run high-security Mangaung prison in South Africa. G4S, a UK private security firm which until recently ran the facility, has claimed it is launching its own investigation into the allegations.

## ARMED CONFLICTS

Torture and other ill-treatment in the context of armed conflicts remain widespread across the region, often carried out by militias and other armed groups.

Since December 2012, hundreds of civilians in the Central African Republic – particularly Muslims – have been deliberately killed while thousands have been subjected to torture and other forms of cruel, inhuman or degrading treatment, including rape and other forms of sexual violence. Similar abuses have been documented in South Sudan in recent months.

In the Democratic Republic of Congo, armed groups in North Kivu have tortured and raped men, women and children in large areas of the country.

The ongoing crisis in Mali has seen widespread torture and other ill-treatment committed by both Malian security forces and armed groups, including rape, mutilation and stoning.

In Cote d'Ivoire, almost three years after the end of the post-electoral crisis which resulted in almost 3,000 deaths, known or suspected supporters of former President Laurent Gbagbo who have been imprisoned continue to be victims of torture and other abuses.

Public executions and punishments including stoning and mutilations have been routinely carried out by al-Shabab in Somalia.

In Darfur, eleven years since the start of the conflict, scores of civilians continue to be deliberately killed and subjected to shootings, beatings, and sexual violence including rape by government paramilitary forces and other armed militias.

## CASE STUDY: ENFORCED DISAPPEARANCE IN SUDAN

Tajeldin Ahmed Arja, from north Darfur, has been detained incommunicado since he was arrested at a conference in Khartoum on 24 December 2013.

The 26-year-old student and blogger was arrested by the presidential security guards after openly criticizing both the Chadian and Sudanese presidents during a conference.

Tajeldin reportedly stood up at the start of the conference and said the Presidents were responsible for the atrocities committed in Darfur. Witnesses told Amnesty International that eight security guards seized Tajeldin and took him out of the hall.

His whereabouts are unknown to this day and he is at serious risk of torture and other ill-treatment.

## AMERICAS

The Americas have some of the world's most robust anti-torture laws and mechanisms at the national and regional level. However, torture and other ill-treatment remain widespread and those responsible rarely face justice. In a number of countries, the use of torture and other cruel, inhuman or degrading treatment is accepted by many as a response to high levels of violent crime.

### DETENTION CONDITIONS AND PRISONS

Over the years Amnesty International has received reports of torture and other ill-treatment in prisons and detention facilities throughout the Americas. In many countries, detainees are beaten, given electric shocks, sexually abused and denied access to health services. Extremely poor detention conditions – including severe overcrowding – is commonplace.

In some maximum security isolation or segregation facilities across the USA, many thousands of inmates are held in solitary confinement in small cells for 22 to 24 hours a day. Many have little access to natural light or out-of-cell recreation time which amounts to cruel inhuman or degrading treatment.

Torture is also used as a form of punishment against inmates or to extract confessions from criminal suspects.

On 12 April 2014, Luis Manuel Lember Martínez and Eduardo Luis Cruz were tortured while in police custody in the Dominican Republic. The police had allegedly tried to extort money from them and, on their refusal, they were accused of carrying an illegal weapon and taken to the police station. The men said they were beaten with a plank and had their heads wrapped with a plastic bag. Eduardo told Amnesty International he was beaten in the testicles and that Luis Manuel had received electric shocks in his legs. The Office of the Public Prosecutor opened an investigation into the allegations of torture and other ill-treatment.

In Brazil, Amarildo Souza Lima has been missing since he was arrested by military police in the shanty town of Rocinha, Rio de Janeiro, on 14 July 2013. An investigation conducted by the authorities concluded that Amarildo died as a consequence of the torture he was subjected to in the building of the Pacifying Police Unit (UPP) of Rocinha after having been illegally detained for questioning. Over twenty police officers, including the commander of the UPP, are being prosecuted and are in prison.

In Mexico, reports of torture have increased since 2006 as violence has spiralled in the context of the government's fight against organized crime. Many detentions are made without a warrant, with suspects allegedly caught "red handed", even if they did not have any direct connection to a crime or crime scene. All too often, people arrested without evidence are from poor and marginalized communities. As such, they have little chance of accessing effective legal support, increasing their risk to torture and other ill-treatment.

Abuse by the security forces is routine in the policing of public demonstrations, including in Chile, Mexico, Venezuela. In Brazil, reports of police abuse have increased around protests in advance of the 2014 World Cup and during military operations in shanty towns in large cities such as Rio de Janeiro.

## IMPUNITY

The incorporation of torture as a specific criminal offence and the creation of Human Rights Commissions or Offices of Human Rights Ombudspersons in most countries in the region over the years has not been matched with effective investigations into reports of current and past abuses. Those responsible for committing or ordering torture very rarely face justice.

The shortcomings of the justice systems across the Americas play a major role in the continuing prevalence of torture and other forms of ill-treatment, and in the deep-rooted culture of impunity in the region.

In Chile, for example, human rights violations such as torture and other ill-treatment committed by the security forces are handled within the military justice system, which could lack independence and impartiality.

Despite some advances towards justice in some countries in the region, thousands of cases of torture committed during the region's brutal military regimes in the 1960s, 70s and 80s have not seen justice.

The amnesty laws in countries such as El Salvador and Uruguay continue to be an obstacle for investigations into thousands of human rights abuses, even though governments could still order investigations into these cases based on their obligations under international law.

In Guatemala, the trial of former President General Efraín Ríos Montt over his responsibility for the killing, torture, sexual abuse and displacement of 1,771 Mayan-Ixil indigenous people when he was President and Commander-in-Chief of the Guatemalan Army (1982-1983) was last year delayed until 2015.

Lack of effective investigations into human rights abuses and violations, including torture, also continue to be a hallmark of Colombia's 50-year-long internal armed conflict. All the warring parties – the security forces and paramilitaries, either alone or in collusion with each other, as well as guerrilla groups, continue to be responsible for unlawful killings, enforced disappearances, abductions, torture, forced displacement and sexual violence.

The US government is also failing to ensure accountability for torture and enforced disappearances committed in the context of counter-terrorism operations. No one responsible for the use of interrogation techniques such as "water-boarding", prolonged sleep deprivation, and stress positions in Central Intelligence Agency (CIA)-run secret detention centres around the world has been brought to justice. The US Select Committee on Intelligence has conducted a review of the now-terminated CIA programme, but its 6,000-plus page report remains classified.



## CASE STUDY: TORTURE FOLLOWING PROTEST IN VENEZUELA

As soon as 21-year-old Juan Manuel Carrasco was arrested by police during a protest in the Venezuelan city of Valencia on 13 February 2014, he was brutally abused.

“They (the police) put us in a foetal position on our knees and they beat us. One of the guards said we should not pray because not even god was going to save us. They said that this was our last day. Then they pull my boxers down and they stuck something in from behind,” he told Amnesty International.

Juan Manuel was released three days after being arrested. His case is being investigated by the Attorney General’s office.

Since protests begun in Venezuela in February, Amnesty International has received dozens of complaints of abuses by the security forces at the time of arrest, during transfer and while in detention.

## ASIA-PACIFIC REGION

Many countries in the Asia-Pacific region are widely missing the mark when it comes to preventing and punishing torture. China and North Korea are among the region’s worst culprits. Punishments such as flogging are still allowed in some countries and investigations into the use of torture are extremely rare.

### DETENTIONS AND FORCED CONFESSIONS

Police forces in countries including China, Fiji, Indonesia, Malaysia, Myanmar, the Philippines, India, Pakistan and Sri Lanka, at times torture individuals during interrogation and pre-trial detention, often forcing detainees to “confess” to a crime. Sometimes prisoners are even tortured to death.

For example, on 1 June 2013, P. Karuna Nithi, aged 42, died in police custody in the Malaysian state of Negeri Sembilan. Family members told Amnesty International that his body showed signs of beatings, with blood coming out from the back of his head. An autopsy report revealed 49 injury marks on his body.

In Sri Lanka – where the National Human Rights Commission registered 86 complaints of torture in the first three months of 2013 alone – prisoners have died after being brutally abused in custody.

Abuse in police detention has also been documented in the Philippines, where in January 2014, a “torture roulette wheel” was discovered in a secret police intelligence facility. The roulette wheel presented a list of torture positions: a “30-second bat position” for example, meant that the detainee would be hung upside down like a bat for 30 seconds. Forty-four detainees reported being tortured in the facility. Ten police officers involved in the abuse are since believed to have been relieved from their posts but no one has been prosecuted.

Flogging is still allowed in the Maldives where courts impose such sentences to individuals found guilty of “fornication”.

## TORTURE TO SILENCE ACTIVISTS

In some countries, activists are tortured as punishment for their legitimate work defending human rights.

In Viet Nam, dozens of activists are held in extremely harsh conditions to prevent them from promoting human rights. Some have been beaten, denied adequate food and health care and held in isolation for long periods of time.

Authorities in China also punish activists for their work, including by denying them medical treatment, even when their lives depend on it. In March 2014, Cao Shunli, aged 52, died from organ failure in a hospital in Beijing after officials at the prison she was held in for five months repeatedly prevented her from receiving the medical treatment she needed.

In what was hoped to be a positive move, at the end of 2013, China announced the abolition of “Re-education Through Labour” camps – detention centres used to hold and punish people, without charge or trial, including for their political activities or religious beliefs.

Changes, however, have been largely cosmetic and individuals are still held in similarly brutal conditions in other forms of arbitrary detention.

## PRISONS AND DETENTION CENTRES

Prison conditions are very harsh in many countries across the Asia-Pacific region.

North Korea’s prison camps are very possibly home to some of the most appalling torture in the world. Hundreds of thousands of people, including children, are held in extremely inhuman conditions, in many of the country’s detention centres.

Detainees spend most of their time being forced to work in dangerous conditions with little time to rest. They are punished for slow work, forgetting prison rules, or suspected lying with beatings, forced exercise, or forced to remain motionless for prolonged periods of time. Combined with inadequate food, lack of medical care and unhygienic living conditions, some prisoners die while in custody or soon after release.

In Pakistan’s North-Western tribal areas, thousands of men and boys are arbitrarily arrested by the Armed Forces and held in secret detention centres, where reports of torture are widespread. Niaz (not his real name) who was held in one such detention centre, described his experience in 2013: “For the first five days they beat us constantly with leather belts across our backs, the pain was too much to describe. [The soldiers] would threaten to kill me if I didn’t confess to being part of the Taliban.” Niaz’s brother died in custody.

Japan is known for holding individuals sentenced to death in isolation for decades, in conditions that are cruel and inhumane. In March 2014, the Japanese courts granted a retrial and released Hakamada Iwao, aged 78, who had spent more than four decades on death row. He was originally convicted of the murder of his boss on the basis of a forced confession obtained in a pre-trial detention system which often allows torture and other ill-treatment.

Australia is holding hundreds of asylum seekers in prison-like conditions in a processing centre in Papua New Guinea. They are held in extremely cramped compounds in stifling heat, while being denied sufficient water and medical help. Some individuals said they were abused by staff, including being kicked, punched and shoved.

## IMPUNITY

Lack of justice on cases of torture and ill-treatment is the rule across the Asia-Pacific region. In Indonesia, Mongolia and Nepal, for example, criminal codes lack effective provisions to criminalize torture.

In a positive move, in January 2014, Taiwan abolished its military court system, transferring jurisdiction for criminal offences by serving military personnel to ordinary civilian courts after an army corporal died in July 2013 as a result of torture.

### CASE STUDY: IMPUNITY

On 30 August 2013, Pakistani journalist Ali Chishti was abducted and tortured by police.

The *Friday Times* magazine national security correspondent was driving home in the evening when his car was stopped by a police mobile team with seven men, six in uniforms, one in plain clothes.

He was then transferred into another vehicle, blindfolded and taken to a house. There, he was repeatedly beaten. One of the men also continually cursed Ali's editor Najam Sethi, an outspoken critic of the military and the MQM Party who has faced death threats, abduction and torture.

Ali was eventually dumped a short distance from the Defence House Authority Phase 8 where he sought the assistance of local police who located his car in a neighbouring suburb.

Ali told Amnesty International he believes the perpetrators were acting on behalf of someone else. He registered a complaint with police but no one has been brought to justice for his abduction or torture.

## EUROPE AND CENTRAL ASIA

Despite the introduction of legal provisions banning torture and other ill-treatment, the practice remains widespread across Europe and Central Asia, particularly in countries of the former Soviet Union. Torture and ill-treatment has also been documented in parts of the European Union (EU), with some countries also failing to effectively investigate allegations of complicity in torture carried out in the context of US-led counter-terrorism operations.

### OVERVIEW

Torture and ill-treatment remain widespread throughout the countries of the former Soviet Union. The formal introduction of a raft of protections against torture over the last 20 years has done little to eradicate it in practice. While its use is particularly routine in respect of suspected members of separatist or Islamist groups, it remains a pervasive feature of ordinary law enforcement, as corrupt and under-resourced police forces continue to find forced confessions the easiest route to the convictions expected from them and extortion a useful source of supplementary income.

Torture and other ill-treatment are relatively rare occurrences in ordinary criminal justice contexts in most parts of the EU, but when such abuses do occur, it is by no means uncommon for them to go un- or severely under-punished. Most EU countries also quickly fell in line with US-led counter-terrorism operations from 2001, becoming complicit in many of the abuses that

accompanied it, including by facilitating rendition flights and, in the case of some, hosting secret detention sites. Those seeking justice and the full disclosure of the truth regarding these practice continue to be denied them.

Turkey is perhaps the country in Europe and Central Asia that has made the greatest strides in reducing, if not eliminating, torture in places of detention over the last decade. However, the routine use of abusive force against protesters remains obstinately entrenched, and the government has done more to encourage than counter this problem in the last year.

## FORCED CONFESSIONS

The introduction of many of the most important formal safeguards against torture has done little to change entrenched law enforcement cultures in countries of the former Soviet Union. Many police forces still assess their performance in terms of clear up rates and convictions achieved. Confessions extracted under torture are often the quickest route to this goal.

Torture methods documented by Amnesty International range from beatings, suspension from ceiling hooks, asphyxiation with plastic bags, to electrocution, inserting needles under finger or toenails, dousing with freezing water and even rape.

Across Central Asia those suspected of membership of Islamist groups or other anti-regime activities are particularly at risk of torture. Individuals accused of being members of armed groups in the North Caucasus region in Russia are almost routinely subjected to torture and other ill-treatment to extract confessions incriminating evidence and intelligence.

Rasul Kudaev was arrested on 23 October 2005 in Russia, accused of participating in an armed group attack targeting government buildings in the city of Nalchik. He was severely beaten during and following his arrest. Signs of abuse were visible on his face but police said he deliberately fell and hurt himself. There has been no investigation into his allegations. The prosecution, which began in 2009, is based almost entirely on a forced confession. Five years later, and nine years after his arrest, the trial is still ongoing.

In Tajikistan, Umed Tojiev jumped out of the third floor window of the police station he was held in after being tortured and forced to confess to terrorism, and broke both legs. He died in a prison hospital two months later, on 19 January 2014, allegedly from blood clotting.

Confessions extracted under torture are reported to have been used as evidence to sentence individuals to death in Belarus, the only European country that still uses the death penalty.

## IMPUNITY

In countries of the former Soviet Union, police officers responsible for torture and other ill-treatment enjoy near total impunity. Cases rarely even make it to court, as investigations are archived by fellow police officers conducting initial inquiries or friendly investigators and prosecutors. Courts rarely uphold applications to order more thorough investigations or request them themselves when confronted with evidence of torture by those accused of crimes.

The denial of police abuses is still the default reaction across the EU and the Balkans, where the institutional response and thoroughness of investigations are frequently inadequate.

## PROTESTS

The excessive use of force and punitive beating of protesters is common across the former Soviet Union. In 2013 and 2014, Amnesty International documented several cases of abuses against protesters and opposition activists in Russia, Azerbaijan and, most visibly, in Ukraine, in response to the EuroMaydan demonstrations. It is estimated that over a thousand people were injured as a result of the use of excessive force by police, including the shooting of more than a hundred individuals, resulting in many deaths.

In January 2014, Mikhailo Niskoguz, a Ukrainian student, who had been taking photographs during of the anti-government protests in central Kiev, was tortured by police. He was beaten, cut with a knife and his arm was broken.

Thousands of people who took to the streets in Turkey in 2013 in connection with the Gezi Park protests were also injured by police. At least four are believed to have died as a result of the abuse.

Hakan Yaman lost an eye, had his cheekbone, forehead and chin broken and his skull fractured after police brutally beat him near his home in Istanbul in June 2013. Police then threw Hakan onto a fire believing he was dead.

Amnesty International has also documented numerous cases of police abuses in the context of anti-austerity demonstrations in Spain, Romania, Italy and, especially, Greece in recent years.

## TORTURE AND ILL-TREATMENT AND EUROPE'S BORDERS

In recent years, Amnesty International has documented numerous abuses, including dangerous push-backs of migrants and refugees across the European Union's external borders, particularly along the Greece-Turkey border and across Spain's land-borders with Morocco. These often involve credible allegations of beatings and degrading treatment.

## EUROPEAN COMPLICITY IN RENDITIONS AND SECRET DETENTIONS

Governments across the EU are still failing to initiate effective investigations into their participation in the CIA programme of rendition and secret detention, where torture and other ill-treatment was rife between 2001 and 2007.

Credible information, including from the EU, Council of Europe, UN, journalists and NGOs, indicates that CIA secret detention sites existed in Lithuania, Poland, and Romania between 2002 and 2006. Individuals held there have claimed they were beaten, deprived of sleep for prolonged periods and subjected to mock drowning.

Romania only held a secret parliamentary inquiry that lasted a few hours. The conclusion was secret, except one short public announcement stating that the country was not involved in any way in the rendition and secret detention programmes.

Poland's criminal investigation started in 2008 but suffers from delays and a lack of transparency, although three men currently detained at Guantánamo Bay have all been formally granted "injured person" status in the investigation. In January 2014, the *Washington Post* reported that the US government paid the Polish authorities \$15 million for the operation of the secret site. An investigation in Lithuania narrowly focuses on the illegal transport into the country of Mustafa al-Hawsawi, also detained at Guantánamo Bay, who has claimed that he was held in a secret site there.

In a rare victory for justice, US and Italian operatives were convicted in Italy for the kidnapping in 2003 of Abu Omar, who had subsequently been rendered to Egypt where he was tortured. In December 2012, the European Court of Human Rights also found Macedonia responsible for the ill-treatment, arbitrary detention, enforced disappearance and torture of another rendition victim, Khaled el-Masri.

The norm, however, has been denial, obfuscation and the erosion of the commitment of states to universal and absolute prohibition of torture in all circumstances.

#### CASE STUDY: TORTURE OF PROTESTERS IN UKRAINE

“Skull and facial fractures, including of the eye socket; concussion and bruising, including around the neck”. This is the conclusion of the medical report of Vladislav Tsilytskiy, a 23-year-old computer programmer, after he was detained, with many others, during a protest on 20 January 2014 in Ukraine’s capital, Kyiv.

Vladislav had to be taken to hospital straight from police custody.

From his hospital bed, he told his lawyer he was beaten and passed out, and a police officer dragged him off the roof of the Dinamo football stadium colonnade by his lips and then sprayed a gas canister onto his genitals. No investigation has been opened in his case.

## MIDDLE EAST AND NORTH AFRICA

The Middle East and North Africa region has convulsed with upheaval for much of this decade. Initial optimism that human rights, including the right to be free from torture, would be better respected has largely given way to despair at the lack of progress or, in the case of Syria, horror at the human rights catastrophe in which torture is being committed on an industrial scale. Elsewhere, particularly in countries which have seen the fall of long-standing rulers, there has been frustration at the pace of change.

New authorities have, in some cases, taken limited positive steps, such as strengthening the legal prohibition of torture and, in the case of Tunisia, have begun a process of transitional justice. However, the factors that facilitate such abuses have so far proved to be too deeply entrenched to translate law into practice.

### CONFLICT AND POST-CONFLICT SITUATIONS

Reports of torture and other ill-treatment in Syria have skyrocketed since protests in March 2011 drew a brutal response from the authorities and led to an ongoing internal conflict. The practice is used routinely against those detained for their suspected involvement in opposition activities, including peaceful activists and children. There are reports that thousands have died in custody. Amnesty International has also documented torture by armed groups.

Torture and other ill-treatment have also blighted the records of countries emerging from conflict. In Iraq, the phenomenon remains widespread in prisons and detention centres. More than 30 people are believed to have died in custody as a result of such treatment between 2010 and 2012.

In Libya the practice is rife in both state and militia-run facilities. Amnesty International has documented 23 cases of deaths under torture since the end of the 2011 conflict.

## RESPONSES TO DISSENT, PROTESTS AND PERCEIVED THREATS TO NATIONAL SECURITY

A common feature across the Middle East and North Africa is the extent to which governments have resorted to torture and other ill-treatment to clamp down on dissent and protests or to respond to perceived threats against national security.

In Egypt, during the 2011 uprising, the security forces and army used torture as a weapon against protesters. Under army rule in March 2011, women protesters were subjected to forced “virginity tests”. The current authorities are drafting new counter-terrorism legislation that would, if passed, erode the existing safeguards against torture and other ill-treatment, while the practice has remained endemic.

In Iran the authorities have relied on torture and other ill-treatment as a way to obtain “confessions” which can lead to death sentences in cases ranging from repression of peaceful dissent to drug-related offences to trials of minorities. The practice is common during interrogation when detainees are generally denied access to a lawyer.

In a number of countries, the authorities have needed to respond to a genuine threat to the population posed by armed groups or individuals who have targeted civilians. However, the way in which the state conducts such operations has often been tainted by reports of torture against suspects. For example, in Jordan 11 men arrested in October 2012 for allegedly planning violent attacks in Amman claimed to have “confessed” under torture.

Moreover, government opponents and civil society activists have – often intentionally – been caught up in such operations. In Saudi Arabia, torture and other ill-treatment are frequently reported in cases of individuals suspected of security-related offences, a category that can include political opponents.

There are recent allegations of torture or other ill-treatment against detainees, some of them held on “security” grounds, in other Gulf countries, including **Bahrain, Kuwait, Oman, Qatar** and the **United Arab Emirates**.

In Israel and the Occupied Palestinian Territories, abuse of detainees during arrest and interrogation remains a serious concern, particularly in the case of Palestinians. Since 2001, more than 800 complaints of torture have been made against the Israel Security Agency, but no criminal investigation has been launched into any of them.

The Palestinian Authority in the West Bank and the Hamas de facto administration in the Gaza Strip have both been responsible for torturing and otherwise ill-treating detainees, particularly their respective political opponents. A monitoring body established by the Palestinian Authority reported receiving **150** allegations of torture or other ill-treatment in the West Bank and **347** in Gaza for the year **2013**.

## CRUEL, INHUMAN OR DEGRADING PUNISHMENTS

Cruel, inhuman or degrading punishments such as stoning, flogging and amputations remain on the statute books in a number of countries in the region, notably in the Gulf, but it is in Iran and Saudi Arabia where they are principally imposed.

## A PATTERN OF STATE FAILURE

The entrenched patterns of torture and other ill-treatment across the region are facilitated by the fact that security forces operate largely unchecked, the judicial system relies heavily on confessions and the judicial authorities, which generally lack independence, often fail to act when faced with reports of such treatment.

At the heart of the problem is a lack of political will. In Bahrain, an international body of experts set up following international pressure in the wake of the repression of the 2011 uprising concluded that the Bahraini government had used systematic torture on detainees. The government announced that it accepted the findings, but it has failed to implement key recommendations.

Across the region, violence against women is a persistent problem. States have failed to ensure effective protection in law against such crimes committed by private individuals and tolerated them in other ways by not ensuring they are adequately investigated or prosecuted.

The general lack of accountability for serious human rights violations such as torture has been exacerbated in some countries by amnesty measures. In Yemen, the government enacted an immunity law in January 2012 that granted former President Ali Abdullah Saleh and all those who were employed by his government immunity from criminal prosecution for “politically motivated acts” carried out in the course of their duties.

In Algeria, the authorities have granted immunity from prosecution to security forces and state-armed militias who committed serious human rights violations during the 1990s internal conflict.

## STEPS IN THE RIGHT DIRECTION

There has been some progress recently towards strengthening the prohibition of torture in national legislation, particularly in Tunisia and Libya. Meanwhile, the Palestinian Authority and the authorities in Lebanon, where torture and other ill-treatment also remain a concern, have established codes of conduct for security forces that set out measures to prevent such abuses.

Transitional justice measures to deal with the legacy of torture and other abuses were first attempted in Morocco and Western Sahara. A commission established in 2003 underlined state responsibility for human rights violations committed by the security services between 1956 and 1999 – including torture – and awarded financial compensation to many survivors. However, it fell short of upholding the right to truth and justice for victims and torture and other ill-treatment which continue to be reported, including against supporters of self-determination for Western Sahara.

In Tunisia, a commission was mandated in December 2013 to investigate human rights violations committed since 1955. Other developments provide hope for accountability. In March 2013, the remains of Faysal Baraket, a young man who had been tortured to death in custody in October 1991, were exhumed. The examination discredited the version of the previous Tunisian government that the cause of death had been a traffic accident; judicial proceedings are ongoing.

## CASE STUDY: DEATH IN CUSTODY IN IRAN

Blogger Sattar Beheshti died in the custody of Iran’s Cyber Police in 2012 allegedly as a result of torture. A medical examiner’s report stated that he had died from internal bleeding in his lungs, liver, kidneys and brain. An impartial and thorough investigation into his death has yet to take place.



## 12. ANNEX: SUMMARY OF LEGAL FRAMEWORK

### PROHIBITION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture and other cruel, inhuman or degrading treatment or punishment are absolutely prohibited under international human rights treaties and other instruments (including Article 5 of the Universal Declaration on Human Rights, Article 7 of the International Covenant on Civil and Political Rights, the UN Convention against Torture and regional conventions such as the Inter-American Convention to Prevent and Punish Torture, Article 5 of the American Convention on Human Rights, Article 3 of the European Convention on Human Rights), international humanitarian law treaties (including under the Geneva conventions), and customary international law.

The prohibition is absolute: no limitation or derogation is permitted in any circumstances whatsoever, including in times of war or threat of war, internal political instability or any other public emergency. States cannot override the prohibition even by signing agreements with other states that allow torture.

Torture is a crime under international law in all circumstances. Some forms of other cruel, inhuman or degrading treatment or punishment are also crimes under international law, particularly in the context of an armed conflict or as an element in a crime against humanity.

Under the most common and widely used definition – that of the UN Convention against Torture – torture is the intentional infliction of severe mental or physical pain or suffering by or with the consent or acquiescence of state officials for a specific purpose, such as extracting information or a confession, punishment, and coercion or intimidation, or for any discrimination-based reason.

There is no general definition of other cruel, inhuman or degrading treatment or punishment under international law, but international standards state that it should afford the widest protection possible. From the practice of international and regional human rights monitoring bodies, acts that constitute such ill-treatment may roughly be defined as ill-treatment which does not involve all of the key elements of the torture definition described above. For instance, acts that cause pain that is “not severe”, or acts that are not done for a purpose such as those listed in the torture definition would be considered cruel, inhuman or degrading rather than torture.

International treaties and standards set out specific procedural and other safeguards reinforcing the prohibition such as the right to be brought before a judge promptly after detention, the right of detainees to have access to a lawyer, and the right to contact with the outside world. Key among these are the UN Convention against Torture, provisions on the right to liberty and fair trial under the International Covenant on Civil and Political Rights, the International Convention for the Protection of All Persons from Enforced Disappearance, and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

## INVESTIGATION, ACCOUNTABILITY AND REDRESS

As a component of the prohibition, states must investigate all credible allegations of torture and other ill-treatment. Investigations must be carried out promptly, be thorough, effective, independent, impartial and subject to public scrutiny. They should be capable of leading to the identity of the perpetrator, although an investigation that does not manage identify the perpetrator is not necessarily ineffective.

Under the Convention against Torture, states are required to ensure that torture is made a criminal offence in domestic law. Where perpetrators are identified, states must bring those responsible to justice. This will almost always require a criminal prosecution. This is not only in respect of acts of torture and other ill-treatment carried out in a state's territory or jurisdiction. Those states that have ratified the Convention against Torture are obliged to either extradite or prosecute those within their territory or jurisdiction alleged to have committed torture, no matter where in the world the act was committed (a form of mandatory "universal jurisdiction"). States must co-operate through extradition and mutual legal assistance to ensure there is no safe haven for torturers.

Victims of torture and other ill-treatment are entitled to access to adequate, effective and prompt reparation for the harm they have suffered. In the context of torture and other ill-treatment, this is most likely to be in the form of rehabilitation, compensation and measures of satisfaction (including the right to the truth), although may also include restitution in some form. States that violate the prohibition are also obliged to give guarantees of non-repetition, that is, to take measures to prevent the recurrence of torture and other ill-treatment, which to an extent will often tie in with a state's obligations in respect of investigation, accountability and prevention.

## SAFEGUARDS

International law imposes upon states a range of obligations designed at least in part as safeguards against torture. A range of core safeguards follows; this is not an exhaustive list.

- On arrest, detainees must be informed of the reasons for their arrest and of their rights. Their relatives must be notified of their detention, either by the detainee or the authorities. Incommunicado detention (being cut-off from the outside world), which is prohibited by international law, facilitates torture and other ill-treatment, and when prolonged can itself become ill-treatment. As such, states must ensure that detainees are granted prompt and regular access to a lawyer, their family and to independent medical care.

- Authorities must keep up-to-date official registers of detainees, which must be available to lawyers and families of detainees, and anyone having a legitimate interest in the information. Detainees must only be held in officially recognized places of detention: secret detention is prohibited.

- Those arrested and detained should be brought without delay before a judicial authority to rule on the lawfulness of the detention. The judicial authority should continue to play a supervisory role and should regularly monitor and review continuance of detention. The judicial authority should use appearances of the suspect as an opportunity to hear any statement from the detainee regarding their treatment in custody.

- Any statement or other "evidence" obtained by torture and other ill-treatment is inadmissible in any proceedings, except against someone accused of torture as evidence that the statement was made. Further standards have evolved – particularly in the European system – that require any statements made in the absence of a lawyer to be inadmissible in court proceedings against a suspect. Added safeguards include separating the authorities responsible for interrogation and detention, ensuring the presence of a lawyer during interrogations and video monitoring of all interrogations and other areas where torture and other ill-treatment are likely to occur.

## INTERNATIONAL MECHANISMS FOR PROTECTION AND PREVENTION

A number of international and regional bodies monitor states' compliance with the treaties.

- At the UN level, the Committee against Torture reviews compliance with the Convention against Torture, including through individual complaints and state reports. The Human Rights Committee does the same for the International Covenant on Civil and Political Rights. Other UN treaty monitoring bodies will at times deal with issues related to torture in relation to their specific mandate. Various UN and regional Special Procedures, most notably the UN Special Rapporteur on Torture, carry out country visits, respond to individual situations and issue thematic reports in relation to torture and other ill-treatment.
- At the regional level, the European Court of Human Rights and Inter-American Commission and Court of Human Rights and the African Commission and Court of Human Rights hear individual and/or inter-state cases alleging violations of the relevant regional treaties.
- There are two main international mechanisms for prevention of torture and ill-treatment – the Sub-Committee for the Prevention of Torture established by the Optional Protocol to the Convention against Torture, and the Committee for the Prevention of Torture, established by the European Convention for the Prevention of Torture and covering all Council of Europe member states.
- The Committee for the Prevention of Torture carries out periodic and ad-hoc visits to states party. The Committee for the Prevention of Torture publishes the reports on its visits with the consent of the state concerned. In exceptional circumstances the Committee for the Prevention of Torture may decide to issue a public statement if a state fails to cooperate or refuses to improve the situation in the light of the Committee's recommendations. The Sub-Committee for the Prevention of Torture has a similar mandate to the Committee for the Prevention of Torture although it does not explicitly have the authority under the Optional Protocol to the Convention against Torture to carry out ad-hoc visits.
- Article 17 of the Optional Protocol to the Convention against Torture also requires that states maintain or establish independent National Preventive Mechanisms for the prevention of torture and the observance of other international laws at the domestic level. Like the Sub-Committee for the Prevention of Torture, National Preventive Mechanisms are mandated to carry out visits and make recommendations to the authorities regarding the protection of persons deprived of liberty from torture and ill-treatment.

## UN STANDARD MINIMUM RULES FOR THE TREATMENT OF PRISONERS

The UN Standard Minimum Rules for the Treatment of Prisoners is a key instrument protecting prisoners and detainees from violations such as torture and ensuring humane conditions of detention. These rules from 1955 are outdated. In 2010, the UN General Assembly adopted resolution 65/230, "Twelfth United Nations Congress on Crime Prevention and Criminal Justice", which requested that the Commission on Crime Prevention and Criminal Justice establish an open-ended intergovernmental expert group. The group will exchange information on best practices as well as national legislation and existing international law and on revision of the existing rules so they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

Amnesty International and others are working to ensure this review results in more human rights-friendly rules. Some states have been supportive; others seek to limit changes; and others want to stall the process or exclude non-governmental organizations from further participation.

## NON-STATE ACTORS

Acts committed by private individuals may fall within the definition of torture under international law for which the state is responsible, if State authorities failed to exercise due diligence to prevent or punish or otherwise protect against such acts by private actors. In certain circumstances, armed groups or individuals could be held responsible for acts of torture as a crime against humanity or as war crimes.

## *NON-REFOULEMENT* AND DIPLOMATIC ASSURANCES

Non-refoulement is the prohibition of transferring an individual to a territory or to the control of another state where he or she faces a real risk of torture and other ill-treatment (including if they may be subsequently removed to a third territory or control of a third state where they would be at risk). Non-refoulement is a fundamental component of the prohibition of torture and other ill-treatment in international treaties – such as the UN Convention against Torture, International Covenant on Civil and Political Rights, European Convention on Human Rights and the Refugee Convention – as well as customary international law

To circumvent this prohibition, states have increasingly sought to use “diplomatic assurances” (promises by a state that a person will not be tortured or otherwise ill-treated if returned to its territory). Amnesty International opposes any reliance on diplomatic assurances to justify a person’s transfer to a situation involving a real risk that the individual will be subjected to torture or other ill-treatment in detention. Amnesty International also opposes assurances provided by states regarding the admission of evidence obtained by torture or ill-treatment, at least where there is a widespread or systemic pattern of torture or other such ill-treatment, and/or where evidence obtained by such abuse is routinely admitted.

## 13. ANNEX: DEFINITIONS AND TERMS

**In this document, “torture and other ill-treatment” is often used for “torture or cruel, inhuman or degrading treatment or punishment”. For ease, “torture” is sometimes used for torture and other ill-treatment together**

### TORTURE

The UN Convention against Torture and Other Inhuman or Degrading Treatment or Punishment defines torture as “any act by which severe pain or suffering, whether physical or mental, is 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.” Other legal definitions that apply in specific contexts do not limit the definition to acts by or with the acquiescence of a public official.

### CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Torture and other cruel, inhuman or degrading treatment or punishment should not be seen as separate categories. They are all equally prohibited under international law. Such treatment or punishment is prohibited if one of these elements applies.

There is no general definition of other cruel, inhuman or degrading treatment or punishment under international law, but international standards state that it should afford the widest protection possible. From the practice of international and regional human rights monitoring bodies, acts that constitute such ill-treatment may roughly be described as ill-treatment which does not involve all of the key elements of the torture definition. For instance abuse that causes pain that is not “severe” or not being intentional or purposeful, would be described as cruel, inhuman or degrading.

There is not always agreement on whether a particular form of abuse amounts to torture and other ill-treatment. However, all forms of torture and ill-treatment are absolutely prohibited under international law, including the laws of war.

### CORPORAL PUNISHMENT

Refers to physical punishment inflicted on the body by judicial order or as an administrative sanction. It includes amputation, branding, caning, flogging and whipping. Corporal punishment always constitutes cruel, inhuman or degrading punishment, and in some cases amounts to torture. According to the UN Special Rapporteur on Torture, UN Human Rights Committee and other bodies, the prohibition of torture and other ill-treatment means that corporal punishment – including if ordered as judicial punishment for a crime – can never be a lawful sanction.

## INCOMMUNICADO DETENTION

Refers to when a detainee is denied any access to people outside the place of detention, in particular legal counsel, family members and an independent court. Incommunicado detention is the context in which torture or ill-treatment and enforced disappearances most frequently occur. If prolonged, it is in itself a form of torture or other cruel, inhuman or degrading treatment or punishment. Incommunicado detention is not the same as solitary confinement. A detainee may share a cell with, or have contact with, other detainees and still be denied access to the outside world.

## RAPE

Legal definitions of rape vary between different legal systems and evolve over time. While rape has historically been defined as non-consensual sexual intercourse, the Rome Statute of the International Criminal Court defines it, gender-neutrally, as including coercive acts which involve the insertion of objects or the use of bodily orifices not considered to be intrinsically sexual. The rape of a person by a state agent in whose power or custody they are – for example, a prison, security or military official – always constitutes torture for which the state is directly responsible. In Amnesty International's view, rape by private individuals who are not state agents constitutes torture for which the state is responsible, if the state has not acted with due diligence to prevent, punish or redress the crime.

Where officials are involved in sexual attacks that are not rape, these constitute either torture or other ill-treatment, depending on the specific acts and circumstances.

## DEATH IN CUSTODY

Describes deaths in prisons, official or unofficial places of detention or in hospitals or other situations where detainees are in the custody of law enforcement officials or military or security personnel.

## ENFORCED DISAPPEARANCE

Occurs when there are reasonable grounds to believe that someone has been apprehended by the authorities or their agents, or people acting with their acquiescence, but the authorities refuse to acknowledge this, or to reveal the person's fate or whereabouts, therefore placing them outside the protection of the law. Under international law, victims of enforced disappearance include people other than the disappeared person him or herself, such as family members.

## SECRET DETENTION

Describes a situation where a person is held without revealing their whereabouts, or often without revealing that they are held at all. This could be in a place that is not an officially recognized place of detention, such as a private home or apartment, military camp, secret prison, or hidden section of a larger facility. Secret detention is prohibited under international law. Most instances of secret detention also meet the international legal definition of enforced disappearance.

## SOLITARY CONFINEMENT

Refers to a prisoner's isolation from others and usually involves minimal contact with staff. It may amount to torture and other ill-treatment, depending on the length and other conditions of solitary confinement, or the resulting reduced sensory stimulation. It may facilitate other ill-treatment and torture. Solitary confinement is not the same as incommunicado detention. A prisoner held in isolation from other prisoners may still have access to, for example, lawyers, family and independent medical care. Solitary confinement can have serious detrimental effects on physical and mental health. No prisoner should be confined to prolonged solitary confinement or to reduced sensory stimulation. Solitary confinement should be prohibited for imprisoned children, people with psychosocial disabilities or other disabilities or health conditions, and women who are pregnant or with infants.





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# TORTURE IN 2014

## 30 YEARS OF BROKEN PROMISES

Torture. The word evokes a world of suffering and fear. It is the object of near-universal condemnation. Yet, today, 30 years after the ground-breaking UN Convention against Torture was adopted, torture is flourishing in at least three quarters of the world's countries, despite some significant steps forward. A global survey commissioned by Amnesty International has revealed that almost half of the world's population do not feel safe from torture.

Over the past five years, Amnesty International has reported on torture and other ill-treatment in 141 countries and from every world region. While in some of these countries Amnesty International has documented only isolated and exceptional cases, in others torture is systemic. This is a human rights violation that is shrouded in secrecy, inflicted on people when they are at their most isolated and vulnerable. Absolute figures of the number of torture victims are impossible to calculate. However, as this document shows, there is irrefutable evidence that torture is a truly global crisis.

This briefing provides an overview of the use of torture in the world today. It looks at when and why torture is inflicted and at the most common methods used. It shows why government denials that torture occurs ring hollow and why Amnesty International's global campaign to Stop Torture is still so urgently needed in 2014.

## #STOPTORTURE

