

Preface

The Uganda Constitution provides that no person shall be subjected to torture or cruel, inhuman or degrading treatment or punishment. On 26 June 1987 Uganda ratified the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The provisions of this Convention were then made into a law in Uganda, the *Prevention and Prohibition of Torture Act* (2012). This is a simplified version of the law, aimed at raising the awareness to the people of Uganda about the evils of torture.

All people in Uganda need to know about the law against torture. What their rights, roles and obligations are. The African Centre for Treatment and Rehabilitation of Torture Victims (ACTV) has therefore developed this publication, using simple words to explain the law.

Certain words not commonly used in daily life are defined in the glossary.

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1. What is torture?

Torture means causing great physical or mental pain or suffering to a person, who is held in detention. This can be done by doing something to a person, but also indirectly by not doing anything to stop or prevent torture. This can be done by doing something to a person, by ordering a person to do something, but also indirectly

Torture is done to force a person to give out information or to do something, or as a punishment. Torture can be physical or mental, and be done by a public official or by a private individual.

Examples

(Please note that these are just examples; torture can take many forms.)

Physical torture

- Beating a person with sharp objects or with parts of a gun.
- Refusing to give food or forcing somebody to eat spoiled food, animal or human faeces.
- Using electric shocks.
- Burning a person with cigarettes, electrically heated metals, hot oil, acid etc.
- Dipping the person's head in water or in faeces, urine, vomit or blood.
- Tying or forcing a person to stay in the same position for a long time.
- Raping or sexually abuse somebody.



- Cutting off of parts of the body such as the sex organs, ears, tongue.
- Removing the teeth by force.
- Placing a person in too much sunlight or in cold.
- Using drugs to make a person confess or to reduce his or her ability to think or reason.
- Using drugs to cause great pain or signs of diseases.



Mental torture

- Covering someone's eyes so that they cannot see what is happening.
- Threatening to harm, hurt or kill the victim or his or her family.
- Keeping someone in a prison cell alone or in a cell located in a public place.
- Asking the victim questions over a long period of time, to spoil his or her normal sleep or rest.
- Mistreating a member of the victim's family.
- Forcing the victim to witness torture of family members or relatives.
- Causing shame by stripping the victim naked, parading in a public place, shaving the head etc.



2. You have the right to be Free from Torture!



Everyone has the right of being free from torture. There is no excuse for torture, not even war, emergencies or an order from a government officer.

Somebody who tortures another person commits a crime. If found guilty, she or he can be imprisoned for 15 years, or be made to pay a fine of seven million two hundred thousand shillings, or both.

A person guilty of the worst forms of torture will be imprisoned for life. This is the case if:

- The wrongdoer used a deadly weapon or used sex as a way of making someone suffer.
- The victim was disabled by the torture.
- The victim has a disability.
- The victim was pregnant or became pregnant.
- The victim died as a result of the torture.
- The victim was used for medical experiments.
- The victim acquired HIV/AIDS.
- The victim was under 18 years old.
- The torture went on for a long time.

A person who disobeys an order to torture another person should not be punished.

Cruel, inhuman or humiliating treatment and punishment is also a crime. The wrongdoer will be imprisoned for a period of up to 7 years, or pay a fine of up to three million three hundred sixty shillings, or both.



4. Victims of torture have the right to compensation!

The court may order the payment of compensation to the victim, for his or her suffering. But also:

- Restoring the victim and his or her family to their original state. This may be by return of any property, money for the suffering, and services such as health care.
- Paying money for physical or mental suffering, loss of employment, or damage of property, and costs for special assistance, medical and mental care, or legal services to the victim.



5. Who is guilty of torture?

It is not only the person who directly commits the torture who is guilty. It is also forbidden to:

- Encourage and order a person to torture somebody, or to assist in torture.
- Helping a person who is guilty of torture to escape punishment.

An officer, who is the boss, can be responsible for any torture committed by a lower ranking officer under their authority. The boss is guilty if he or she knew or ignored information about torture committed by lower ranking officers. The boss must also investigate any suspected cases of torture or ill-treatment and make sure that it does not happen again.

If you witness or make a complaint about torture you have the right to protection by the government against any mistreatment or threats.



6. Protection against torture



A prisoner or detainee who is at risk of torture should not be sent to another country where he is likely to be tortured. He or she should not be transferred to another place, apart from a police cell or a prison. It is not allowed to abandon a prisoner or detainee, where they are likely to be

tortured. This is the same whether or not the prisoner or detainee is a citizen. It does not even matter the location where the prisoner or detainee is held, transferred or released.

It is true that torture is a crime for which a person may be sent back to



the country where he or she committed the crime. But, this law as well as the law called "the Extradition Act" (defined in the Glossary), states that a person shall not be sent from Uganda to another state if they are likely to be tortured.

7. How to make a complaint about torture

Anybody has the right to file a complaint about torture, even if he or she is not the victim. If you suspect that torture has been done by an officer or private person, you have the duty to report this to the police. When a complaint is made, an investigation shall be conducted immediately. If there are strong reasons to believe a crime has been committed, the police shall arrest and detain the suspect and charge them with the crime of torture.

A complaint can be made verbally or in writing, signed by the person who is complaining. If made verbally, it should be written down by the magistrate and signed by the complainant. If the magistrate finds that the complaint is valid, they prepare and sign a formal charge.

When a case of torture has been heard, the Director of Public Prosecutions may take over the case. He or she may ask the victim, or the person who reported the crime, to provide information and assistance.



8. Criminal cases of torture in the court

Any information given from a person under torture is not acceptable in court against that person.

It is illegal to use information obtained by torture in a court case. This crime can give 2 years imprisonment or a fine of up to nine hundred sixty thousand shillings, or both.

The Chief Magistrates Court of Uganda can try cases of torture anywhere the crime has been committed, both inside and outside of Uganda. Any person living in Uganda can also be tried for torture, even if they are not Ugandan citizens, with the permission of the Director of Public Prosecutions.

The Amnesty law cannot be used to forgive or pardon a person accused of torture.



Glossary

The following words and phrases are used to mean:

Amnesty Act is a law made by Parliament that provides for the forgiveness or pardon of Ugandans involved in acts of war against the Government.

Amnesty means to forgive or pardon a person who has been engaged in warlike crimes.

Compensation means payment for damages.

Convention means a written agreement between two or more countries or governments or between a government and an international organisation. The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment was adopted by the United Nations and signed by the Uganda government.

Deadly weapons means anything made for shooting, stabbing, cutting or making a victim unconscious. These weapons can cause death, serious harm or fear.

Degrading means damaging, humiliating or shameful treatment.

Detainee means a person held in custody, especially for a political offense or questioning.

Director of Public Prosecutions (DPP) is an officer of government who directs police on criminal matters and prosecutes criminal cases in Uganda.

Extradition Act is a law made by Parliament that deals with how a person who is said to have committed a crime and leaves the country, can be brought back in the country to answer charges against him or her.

Jurisdiction means a court's power and authority to try a case.

Prohibition means to prevent, stop or bar, according to the law.

Public officer means a person holding or acting in an office in government.

Rehabilitation means curing or healing a person and includes counselling or advice.

State Prosecutor means a government lawyer who represents the state in a criminal case.

Victim means a person who suffers an act of torture.