



Torture Misconceived

What Is Torture?

The answer to this query may seem obvious, but it's not. Is sleep deprivation torture? What about sexual humiliation? Applying electrical current to a person's body? All these methods of inflicting pain on an individual come under the category of torture. However, if all this is torture, then what is the definition of "violence"?

What differentiates torture from violence is that torture is done by the state representatives on an individual or a group, while violence is something which strictly does not involve brutality from a state official.

People around the world, usually from the journalist's community often confuse violence with torture when they are covering stories related to crime. In fact, well reputed journalists also use the word "torture" incorrectly at times in their reports. Below are four different instances from prominent newspapers of Pakistan, where writers have used the word "torture". For instance:

Example #1

"Are we doing more harm than good through the education we are providing? Are we closing or opening minds? Are we in some ways inflicting the worst kind of torture on children?"

(The News International, May 24th 2012)

Example #2

The story was published with this heading "Woman tortured to death by kin". A woman by the name ABC was tortured to death by her three relatives when she went to her neighbor's house to fetch water.

(Dawn, July 9th 2012)

Example #3

"An 18 year-old boy was purportedly beaten, tortured to death by police in a town of Okara and then the body was thrown into a nearby canal. The family of the victim blocked a renowned road in protest."

(The News International, February 15th 2012)

Example #4

Chief Justice Iftikhar Muhammad Chaudhry observed that a school teacher had been subjected to physical torture by father of serving PPP's MPA and ex-MPA himself. As a result of the assault, the teacher suffered two fractured legs and is currently undergoing treatment.

(Express Tribune March 13th 2012)

Are all these torture cases?

Note that the word "torture" is used in all four stories, when in reality; only example #3 is actually a case of torture. Example # 2 and 4 are cases of

What does the UN say?

According to UN Convention against Torture (CAT), 1984, torture is "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. It does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions.

Torture

- It is intentional.
- There is a severe degree of pain and suffering involved
- Involvement of state agencies is necessary
- The infliction of torture is for the extraction of evidence or information

Violence

- Violence is not necessarily intentional
- It can be done for a number of reasons.

violence whereas Example # 1 is neither a case of torture nor violence. The writer has used the word "torture" instead of "cruelty."

Torture is illegal

Torture is the intentional infliction of severe mental or physical pain or suffering by or with the consent or acquiescence of state authorities (for example, police, military or security forces, Levies, Militias, Frontier Constabulary, Intelligence Agencies (Intelligence Bureau, Inter-Services-Intelligence Agency and others) for a specific purpose. When the state or its representative is not involved in the brutality, it can never be labeled as "torture." The United Nations Convention Against Torture (UNCAT) requires States parties to prevent "other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture".

Role of Journalists

In Pakistan, torture is not inflicted at legal places of detention only but also at places that are specially rented or occupied for this purpose. Although there is an insufficiency of domestic laws that punishes torturers, but the law that exist does prohibit this practice, particularly for the extraction of evidence. According to Article 14(2) of the Pakistani Constitution of 1973, "No person shall be subjected to torture for the purpose of extracting evidence". Unfortunately, this clause only discusses one dimension of torture that is for extraction of evidence. One has to keep in mind that the basic definition is not available in this clause. It doesn't indict the state agencies for practicing this heinous crime and certainly does not define the severity of the crime.

This might be the reason for the increase in torture cases in Pakistan in the last few years. According to the recent report of Human Rights Commission of Pakistan (HRCP), in last two years, as many as 12,580 people have become the victims of torture.

Although the media has highlighted incidents of torture on many occasions but it has been observed that the media has not been able to mobilize the public opinion. In this regard, we carried out a survey with a sample of 276 journalists (101 electronic media; 175 print) from 11 Pakistani cities. Out of these 276, 18% said that torture is justified "always" while 46% said that it

can "sometimes" be justified. This point towards the fact that torture has been accepted in the society, whereas it should be known that torture in any kind of circumstances, even in times of war is not justified, according to UNCAT.

How journalists should report on torture

To report on torture, it is very important that journalists are aware of the existing laws that deal with torture, both nationally and internationally. There are few points which you need to keep in mind when reporting a torture story:

Identification of torture cases

1. As a reporter, you need to first establish the difference between torture and other humiliating, inhuman treatments after that and more importantly, must discuss your story in the light of domestic as well as the international law.
2. You should also know that cruel treatment, inhuman or degrading treatment and punishment are also legal terms which refer to ill-treatment causing various degrees of suffering less severe than in the case of torture.
3. Due to the sensitivity of torture cases, it is also important for you to know and to identify the perpetrators of torture. So that it becomes easy for you to report a case effectively and efficiently.
4. You should find out where was the person taken into custody - Home, street, place of worship, outside a military base etc and when was the person taken into custody.
5. Details like the approximate date, or the month or season of the year and the time of day need to be determined.
6. You need to find out how did it occur? Was any form of restraint used? Were any others present who would have seen it happen? If no detail is known, when and where was the last time the survivor was seen and in whose company? Was there any warning, was the survivor summoned to a police station, were they in a demonstration on the street etc.

The more details you obtain about the individual, the more definite the identification can be. As a reporter, you need to be aware of all these details about the victim including full name, gender, age, occupation, address, appearance including any unusual characteristics, torture victim's photograph (alive or dead) and any indication of the survivor's state of health before being arrested or detained - medical records, witness accounts etc.

Individualland's formation of Committee Against Torture (CAT)

Individualland Pakistan has formed committees against torture, in the four provinces that are set to work on a national level, having the objective to map and document torture cases in their respective areas, while reporting on them. The committees will report their progress and documented incidents of torture, to the CAT facilitation desk in Islamabad. This facilitation desk is aimed at highlighting the issue of torture and torture related incidents, on a national scale. Please do contact us if you need assistance or want to report a case.

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