

MEDICOLEGAL SIGNIFICANCE OF TORTURE UNDER POLICE CUSTODY ON PRISONERS' HEALTH AND RECOMMENDATIONS FOR PREVENTION OF VIOLENCE AGAINST TORTURE

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ABSTRACT

OBJECTIVES:

The aim of the study was to determine (a) most common sites of torture, nature of injuries and their complications and (b) psychological and physical effects of torture on the prisoner's mental and physical health.

METHODOLOGY:

It was a cross-sectional descriptive study. The study was conducted on 193 prisoners admitted at District Police Hospital Peshawar over a period of one year. These prisoners were the victim of torture under police captivity. Majority of the victims were prisoners. The data was collected on a Performa mentioning age, duration of captivity; nature of injuries (simple, grievous), weapon used for physical torture (blunt, sharp) and prisoners were interviewed and examined by the medical officers and co authors. SPSS 20 was used for data analysis.

RESULTS:

One hundred and eighty (93.2%) of the 193 subjects were male. Average age was 27.4 ± 4 years. Hundred (51.8%) prisoners were physically tortured and 92 cases (47.6%) were due to physical assault among prisoners. Out of 92 cases 12 (13.04%) prisoners showed injuries due to strenuous physical work, mostly on palms and soles in the form of blisters. These injuries were carefully examined and correlated with history. Torture methods observed in this study were beating with hands on face (35.6%), whipping with rod (61.6%), kicking on buttock and abdomen (16.4%), forceful dragging (16.4%), burning with cigarettes (12.3%), hanging with hand cuffs (13.7%) and whipping on palms and sole (6.9%). Majority of the cases (74%) were tortured in custody, (12.3%) in prisons, (9.6%) on the street and (4.1%) at home. The impact of physical and psychological torture was variable depending upon the duration of captivity and nature of torture. Patients kept for a longer period 42 (42%) had developed post captivity psychosocial stress syndrome. Physical torture has taken 07 (3%) lives and 24 (12.4%) victims were permanently disabled in this year.

CONCLUSION:

A wide range of different types of injuries were observed on various parts of the body. Blunt trauma was most frequent. Violation of Istanbul Protocol for violence against torture under police custody was also clear.

KEY WORDS: Police Torture, Bruise, Prisoner, Custody, Health

INTRODUCTION:

Torture is an act of Intentional Infliction of severe pain or suffering which can be either mental, physical or both, to a person for obtaining Information or punishing him¹. Torture is one of the most dreadful violations of a

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person's human rights. It is the deliberate self-implication of severe pain or suffering by law enforcement personnel to obtain Information from the suspects under captivity². The victims greatly suffer with Irreversible psychological and behavioral Issues about their worst experience and hesitant to lay complaints against this physical and abusive violence they suffered while in police custody. Government has no definite rehabilitation and counseling programs for them to lead a normal life once again; they are left traumatized, ashamed and frightened³. This act of violence is against the guidelines of

Istanbul protocol; a manual of guidelines accepted internationally for protection of prisoner's right while in custody⁴. There is an absolute prohibition on torture under international laws. Physical torture may cause internal organ injuries, fracture of limbs and ribs. Inhumane treatment, insult and disgraceful treatment may lead to psychological damage such as insomnia, nightmares, stress, restlessness and fear of torture even in a safe environment⁵. Torture victims may have difficulty to resume a normal life they may experience difficulty in getting to sleep or may wake early, sometimes shouting or with nightmares⁶. They may experience anxiety, persistent feeling of fear, insecure and memory loss. The consequences of torture can be long-term causing permanent detrimental effects on the personality and horrendous effects on mental health, physical disability or even death of the prisoners.

Torture is prohibited under a number of international and regional human right protection laws. United Nations Convention against torture prohibits any kind of violence on prisoners⁸. The purpose of torturing is usually to obtain information or forced confession, to get a testimony incriminating others⁹. The increased incidence of abduction and torture by police is now spreading terror in the community¹⁰. Torture is a worldwide, man made epidemic. Human rights organizations report that over 120 countries in the world today routinely use torture to control their citizens¹¹.

METHODOLOGY:

In this study, the results of the medico legal examinations of 193 cases of torture admitted at District Police Hospital, Peshawar over a period of 1-year (Jan-Dec 2018) were analyzed on SPSS version 20. The study included cases of torture due to police and other prisoners. Cases of self-inflicted injuries were excluded. Written permission from Medical Superintendent and informed consent was obtained prior to medical examination. In Pakistan Penal Code (PPC)

jurisdictions, a prisoner could be examined on the order of Magistrate without obtaining consent of victim of police torture. Mean and standard deviation was calculated for age, sex, gender, injuries type, severity and age of injuries at the time of examination. Complete general examination was also performed including vital signs, chest, heart, abdominal examination and neurological examination. Local examination for all the wounds was carefully described, documented and diagrammed. Radiograph was obtained where fracture(s) was suspected. Descriptive statistics were obtained as mean with standard deviation and proportion for quantitative and qualitative data, respectively. For statistical analysis: two-tail test was performed and Chi Square test "X²" was used in statistical analysis of some of the results where p-value < 0.05 is significant.

RESULTS:

Demographic data showed that among 193 cases, 179 (92.7%) were males while only 14 (7.2%) were females. The age of the cases ranged from 20 to 38 years (Mean 27.7± 4.2). Out of the 193 cases of torture allegation 144 (75%) were in the third decade, while 48 cases (25%) were in their fourth decade. Of the 193 cases of the study, 101 (51.8%) cases actually tortured as were evidenced by medico legal examination after taking their full history, 92 cases (47.6%) were due to physical assault among prisoners while 71 cases proved to be alleged torture where no physical evidences were found. After careful history and meticulous medico-legal examination these injuries were declared as fabricated (self-inflicted) wounds and were excluded from the study. Table 1 shows age of injuries at the time of discharge. The number of victims of torture admitted in a week was significantly high i.e. ±2.09 per week. These victims also complain about ill treatment, humiliation, insult and disgraceful attitude of the police officers. This resulted in agitation among them. They felt helpless and in constant fear of being tortured.

Table 1: Age of Wound at Time of Examination

No of Victims In=101)	Percentage	Age of Injuries at Time of Discharge	Nature of Injuries
55	56.4	2-5 days	Mixed nature
27	26.7	6-10 days	Grievous bruises and fractures
11	10.8	11-40 days	Dangerous head injuries
8	7.9	41 – 80 days	Mental or physical disability

The hospital stay depends upon the nature of injuries. Patients with simple injuries were discharged within 24 hours while patients with grievous and dangerous injuries were kept under

observation for at least 48 hours (02 days). Patients with complex head injuries, fractures and mental or physical disability stayed for a longer period while simple bruises lacerations and abrasions were

discharged within a week. Medico-legally eight types of lesions were detected in the studied cases.

Table 2 also shows nature and pattern of injuries according to hurt PPC 337 (medico-legal classification of injuries according to Qisas and Diyat act). It was also

concluded that bruises, abrasions and fractures were the most common injuries, whereas the back of the trunk, palm of hand and sole are the most common sites of torture. The most often used instrument for torture was a wooden stick

Table 2: Nature of Injuries on Body

Nature of Injury	Type of Weapon/Reason	Nature of Injuries on Body		
		Simple	Grievous	Dangerous
Abrasion	Dragging	22	2	-
Laceration (tear)	Heavy blunt weapon	11	8	3
Bruise (crush)	Heavy blunt weapon	14	36	2
Fracture	Heavy blunt weapon	9	7	1
Head injuries	Heavy blunt weapon	9	11	1
Cuts	Sharp edge weapon	17	7	2
Burns	Cigarette burn, electrocution etc.	12	32	1
PTSD (Post Traumatic Stress Disorder)	Prolong captivity, mental torture	-	12	8

In this study 58% of the victims were tortured with more than one method. The victims were tortured with blunt weapon mostly on the back of the trunk (n=37) 36.6% while 28.8% on abdomen and face. 17 victims suffered fracture of limbs, ribs and even skull fracture.

As shown in Table 3, 41 victims were admitted due to beating with heavy blunt weapon, 19 due to beating with hands, 14 victims had internal bruises and fracture of ribs due to kicking while 16 patients were admitted due to burns.

Table 3 Methods and site of Injuries in Tortured Cases

Methods		Site of injuries in Tortured Cases n=101					
		Back of Trunk n=37	Face n=16	Head n=21	Abdomen n=09	Limbs n=11	Chest n=6
Beating with hands	N=19	6	10	-	3	-	1
Beating with blunt weapon	N=41	20	3	11	2	5	1
Dragging	N=11	05	-	4	-	-	2
Kicking	N=14	3	-	2	3	5	1
Miscellaneous: Cigarette burn, cuts, head shave	N=16	3	6	4	1	1	1

Torture in Pakistan especially in district Peshawar is a widespread and persistent phenomenon. Law enforcement agencies and the police routinely torture suspects captivated for interrogation leading to grievous injuries and few may sustain fatal injuries or death in custody. In some cases, officials torture detainees to punish, intimidate, or humiliate them. Police also detains and tortures family members to obtain information or confessions from a relative, or to force a wanted relative to surrender¹⁵. This is an alarming situation as evidence of physical trauma is visible on the bodies of the victims and no such legislative body is there to take notice against this violation of human rights. UN Convention Against Torture (CAT) has recommended sanctions against Uganda, the Philippines and Bolivia for violating international laws. The common pattern of injuries ranging from abrasions to bruises was found in a study

done in Faisalabad's. Anatomically the parts of the body most affected were the buttocks, soles of feet, back of chest, back and front of thighs, palms of hands and wrists. The most common agent allegedly used to inflict for torture were cane stick and broad, flat leather slipper dipped in oil to enhance the effect of pain^{15,16}. In Egypt it was found that 48% of the prisoners suffered more than one method of torture. It was observed that 64% of the suspects have suffered beatings with blunt weapon resulting in blunt trauma, fracture or even death¹⁷. In Italy a group of doctors led the foundation of volunteer services for people who experienced torture in their countries and found that most of the victims have beating marks on their bodies (64%). Of these 14% victims were tortured by hanging from sealing, detention into dark room for a longer period causes psychological disturbances in 28%, bums/electric shock (21%), wet

asphyxiation and water jets (11%), sexual violence (15%), amputation/penetrating injuries (22%), dental torture and traumatic removal of nails was formed in (6%)¹⁸. As a result of violent application of force complications were also noted and cases were referred to various specialties. Radiological examination especially of hand and severity of various skeletal and soft tissue injuries were identified. Expert dental, ENT and eye opinion were also required. In some cases, referral was made for Neurosurgery opinion to determine the paraplegia or loss of tone in a group of muscle especially of shoulder and wrist joint due to prolonged upside-down hanging and dragging with hand cuffs. The situation in Pakistan about police torture cases is increasing alarmingly. The violation of the human rights by law enforcing agencies is very clear in the results of the study. Awareness by various sectors of the society and adoption of preventive measures is urgently required in this regarding.

CONCLUSION:

From this study it is concluded that law enforcement agencies are violating international guidelines against torture in captivity. A superficial graze abrasion due to dragging and blunt trauma were the most frequent types of injuries. It was also concluded that bruises, abrasions and contusions were the most common injuries, whereas the back of the trunk, palm of hand and sole are the common site of torture. The mostly used instrument for torture was a wooden stick.

RECOMMENDATIONS:

1. It is suggested that steps to be taken for implementation of legislation to refrain law enforcing agencies from using torture as a method of investigation.
2. Suspects under police captivity must be examined by the doctor.
3. Doctors attending the medico-legal case must be certified in Medical Jurisprudence.
4. Doctors must not use medical knowledge to use against the victims.
5. Doctors working within the justice system should be provided with the training.
6. Police officials should be provided training to use other means of interrogation.
7. Identify group of prisoners and police officers who are torturing prisoners due to mental fixation and take measures not allow them to repeat torturing in future.
8. Isolate the sadist and ill-minded prisoners from other prisoners.
9. Accused officers should be put on trial and punished.
10. Local government must provide resources

necessary for identification of all forms of human rights violations and submit suggestion for their rectification.

ABBREVIATIONS:

OHCHR: Office of the High Commissioner for Human Rights (United Nations), **UNCAT:** United Nation Convention against Torture, **PPC:** Pakistan Penal Code, **PTSD:** Post Traumatic Stress Disorders

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Data collected was emailed to all the co-authors for analysis, interpretation, discussion and review.



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