

WHAT IS TORTURE?



STOP TORTURE

**AMNESTY
INTERNATIONAL**



If someone in authority has physically wounded you, or made you suffer deeply in some way, to get information or a confession out of you, or to punish, intimidate or threaten you, then you have been tortured.

Torture is always illegal: outlawed internationally for 50 years, and nationally by the 2009 Philippine Anti-Torture Act.

This leaflet will help you understand what torture and other ill-treatment is, and whether you or a family member have been tortured.

Torture involves four crucial elements:

- It is **intentional**
- It causes **severe pain or suffering**
- It is **performed for a specific purpose**, such as getting information or a confession, punishing, coercing or intimidating you.
- It is **official** – the person who harms you is either an official or acting on behalf of an official.

FREQUENTLY ASKED QUESTIONS



Q. What is the difference between torture and ill-treatment?

A. It is a question of degree, although both are always illegal. It is cruel, inhuman and degrading treatment or punishment –collectively called other ill-treatment—if the act you or a family member was subjected to lacks one of these four crucial elements of torture.



Q. If a police officer handcuffs me against my will, is that torture?

A. Police officers may have the authority to handcuff you. However, if they do this in a painful or humiliating manner, for long periods (therefore becoming painful) or with other abusive treatment, it could constitute ill-treatment, or in extreme cases, torture.

Q. If my arresting officers allow friends or family members of the victim I supposedly harmed to hit me or beat me up for ‘quick justice’, is that torture?

A. When you are in police custody you should be safe from violence, and police are responsible for ensuring this. If they allow or encourage someone to harm you this could be ill-treatment and if it is severe, torture.



Q. If my arresting officers hit me because I violently resist arrest, is that torture?

A. It is illegal for police to use more force than necessary if you are resisting. Excessive use of force may constitute ill-treatment, or if severe, torture.



Q. If a police officer beats me up, then releases me from jail the next day, is that torture?

A. Whether you are released from jail or not is irrelevant: police are not allowed to beat you up. Depending on how grave your injuries are, or whether the beating involved the four crucial elements, it might be ill-treatment or if severe, torture.

Q. If people working for the police, such as police “assets”, Civilian Voluntary Organization or Citizen Armed Forces Geographical Unit members beat me, or fellow detainees authorised by jail guards to maintain order in prison like the ‘mayores’ hit me with batons, is that torture?

A. To be torture or ill-treatment, the harm does not have to be inflicted directly by an official – it can be carried out by someone else under orders of an official, or simply with their agreement. However, if someone is working for military or law enforcement organizations, whatever their role, then they are in effect officials. They and those who have command responsibility over them can be held criminally responsible for torture.



Q. If a police or military officer goes to my house/work place/community, interrogates and beats me up without bringing me to a police station/military camp, is that torture?

A. You do not have to be in a police or military facility to be tortured. If you are under police or military control, and are not resisting, there is no justification for any violence. Whether this is torture or ill-treatment depends on the circumstances (see four crucial elements).

Q. If a police officer (or someone else in authority) beats me up ‘for fun’ or ‘to teach me a lesson’ but did not try to extract information, is that torture?

A. Almost any use of force against a helpless detainee, which causes severe pain or suffering, is torture or ill-treatment. The “reason” someone is harming you is irrelevant. The only force that can be used against you is what is necessary to detain you safely.



Q. If I am sent to solitary confinement (e.g. bartolina) as a ‘disciplinary procedure’, is that torture?

A. Any form of prolonged solitary confinement (ie lasting weeks) is seen as torture or other ill-treatment. In cases with children or people with mental disabilities, even shorter periods of solitary confinement may be considered ill-treatment.



STILL NOT SURE?

Torture can be physical or psychological. It can cover a wide range of cruelties and inhuman behaviour.

Examples of physical torture penalized by the Philippines' Anti-Torture Act of 2009 are: systematic beating, punching, kicking, striking with a baton, force feeding with spoiled food or other substances not normally eaten, electric shock, cigarette burning or burning with hot rods or chemicals, submerging your head in water until the point of suffocation, tying or forcing you to assume a stressful position for hours, rape and sexual abuse, mutilating parts of your body, extracting teeth or fingernails, placing a plastic bag over your head to the point of suffocation.

Examples of psychological torture, also illegal under the Anti-Torture Act are: blindfolding, threatening bodily harm or execution – of you or your relatives, solitary confinement, confinement in secret detention facilities, prolonged interrogation, public humiliation including in a “show trial”, forcing your family to watch torture, prolonged sleep deprivation, refusing communication with your family.

THE LAW

Internationally, the United Nations Convention against Torture (UNCAT) defines torture as an act by which severe physical pain or mental suffering is intentionally inflicted on a person to obtain information or a confession, to intimidate, coerce or to punish him or her for an act that he or she has committed or is suspected of having committed, or based on discrimination. An act amounts to torture if inflicted or instigated by or with the consent or acquiescence of a public official or others acting in an official capacity. This is the basis for the Philippine Anti-Torture Act of 2009, but the two are not identical. The answers above are based on international human rights law and standards, which may overlap with the Anti-Torture Act.

WHAT CAN YOU DO?

FILE A COMPLAINT WITH THE RELEVANT AUTHORITIES

If you, or someone you know, have suffered torture or ill-treatment by the authorities, there are steps you can take to get justice, support and compensation. This is your right under national and international law.

There are several options open to people who may have been tortured. [Click here](#) to read about the pros and cons for each, and what the process will be. Success is not guaranteed, but this is the only way for you to get justice.

HELP US STOP TORTURE IN THE PHILIPPINES

Add your name to our [global petition](#) demanding that President Aquino take immediate steps to stop torture and bring justice to victims. Call on him to ensure effective investigations, prosecutions and to establish an independent police complaints commission. Nobody, not even government, military or police officials, is above the law.

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