

Torture - Medico Legal Aspects

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Definition of Torture

Deliberate, **Systematic** and **Wanton** infliction of physical and mental suffering by one or more persons acting alone or on the orders of an authority of a state or any organization to force another person to yield information, make a confession or for any other reason.

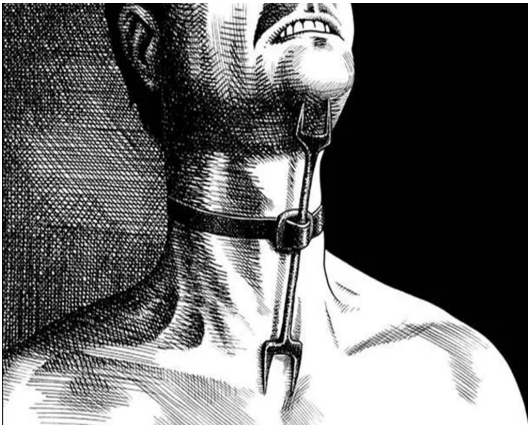
(Declaration of Tokyo, 1975.)

TORTURE BY LAW ENFORCEMENT AUTHORITIES



The UN Convention against Torture

*The UN Convention against Torture defines torture as “any act by, whether **physical or mental**, is intentionally inflicted on a person” by someone acting in an official capacity for purposes such as obtaining a confession or punishing or intimidating that person.*

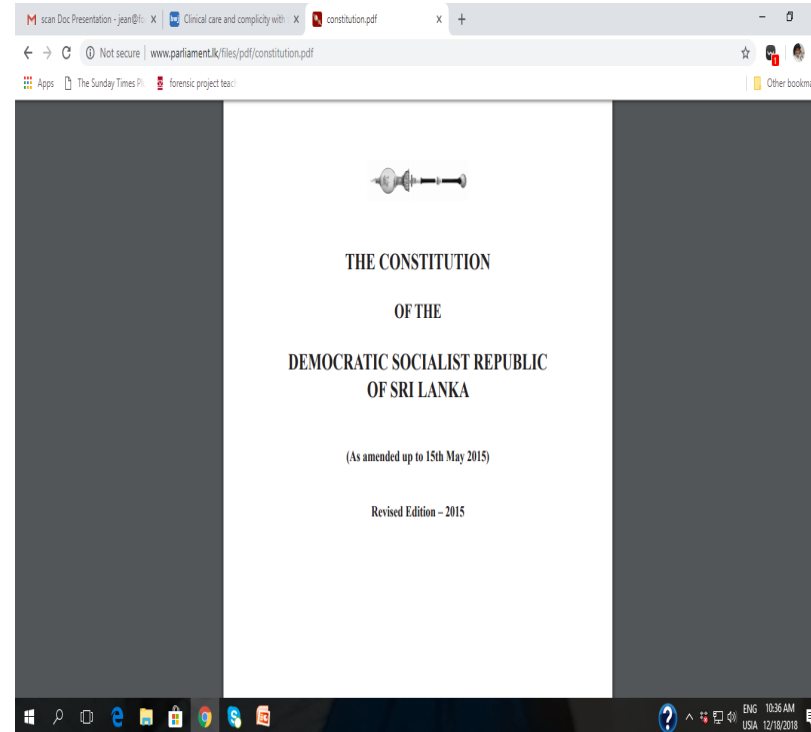


The Universal Declaration of Human Rights

- Proclaimed by the United Nations General Assembly in 1948
- Article 1 of the declaration states that all **human beings are born free and equal in dignity and rights**

Constitution Of The Democratic Socialist Republic Of Sri Lanka

- Article 11 states that everyone charged with a penal offence has the **right to be presumed innocent** until proved guilty according to law in a public trial
- The constitution of the Democratic Socialist Republic of Sri Lanka affirms the above mentioned proclamations under Chapter III section 11, 12 (1) and 13 (5).



CTD.....

no person can be subjected to degrading punishment.

- In the light of the above proclamation it is evident that no person can be **subjected to degrading punishment.** Even a person accused of a crime has the right to be protected from torture or cruel, inhuman or degrading punishment.

BATTERING IN CUSTODY

Torture of person held in custody of the law enforcement

The screenshot shows a web browser window with the URL www.parliament.lk/files/pdf/constitution.pdf. The page displays the title "The Constitution of the Democratic Socialist Republic of Sri Lanka" and "CHAPTER III FUNDAMENTAL RIGHTS". The following text is circled in orange:

10. Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

11. No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

12. (1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds :

Provided that it shall be lawful to require a person to acquire within a reasonable time sufficient knowledge of any language as a qualification for any employment or office in the Public, Judicial or Local Government Service or in the service of any Corporation, where such knowledge is reasonably necessary for the discharge of the duties of such employment or office :

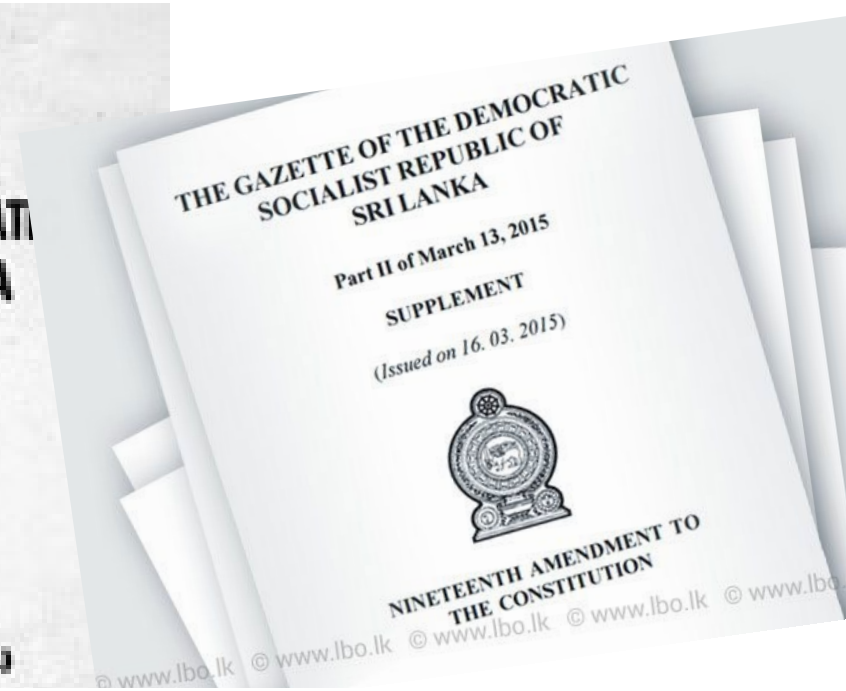
Provided further that it shall be lawful to require a person to have a sufficient knowledge of any language as a qualification for any such employment or office where no function of that





THE CONSTITUTION OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

[AS AMENDED UP TO 20th DECEMBER, 1988.]



The Constitution of the Democratic Socialist Republic of Sri Lanka

CHAPTER III

FUNDAMENTAL RIGHTS

10. Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.

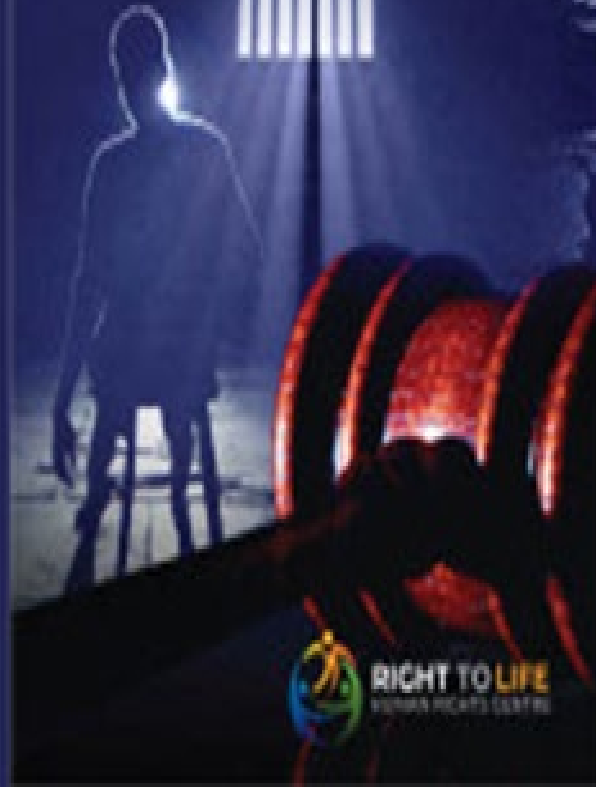
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Let's Talk About Our CONSTITUTION





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යුක්තිය...



Witness killed before case against police

Gerald Mervin Perera, who was due to give evidence in court against seven police officers accused of torture, passed away on Wednesday at the Colombo General Hospital.

"This is the first time that a torture victim pursuing a complaint before the courts in Sri Lanka has been shot dead at the instigation of the perpetrators of torture," Says the Asian Human Rights Commission (AHRC).



වධහිංසාවට එරෙහි සිතුවම

රජයකට අවශ්‍ය නම් වධහිංසාව පාලනය කළ හැකිය. ඒ අභියෝගය ජයගන්නට නම් සමාජයේ ආකල්පමය වෙනසක් මෙන්ම ආයතනික ව්‍යුහයේදී මානව හිමිකම් හිතැති පරිසරයක් තිරමාණය විය යුතුය. නගර අලංකරණය වෙනුවෙන් බිත්ති සිතුවම් කිරීම හුදු අලංකාරයක් මිස එය අපගේ ශිෂ්ටත්වය පිළිබඳ මිනුමක් නොවේ. ආණ්ඩුවේදී මාධ්‍යයේදී ආශිර්වාදය ඊට හිමි වන පරිදීම හිංසන විරෝධී රැළලක් ආයතනික මට්ටමෙන් හෝ සමාජය තුළ ගොඩනැගීමට සහය දීමෙන් එහි වාසිය මුලින්ම හිමිවන්නේ ආණ්ඩුවටමය. ●

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The term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person

Why?

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

Intimidating or coercing him or a third person, or for any reason based on discrimination of any kind

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.

The victims of torture are very often under illegal detention for weeks and months



Access to courts or other law enforcement authorities



Presentation to the medical officer is delayed

It is difficult for an average medical officer to do a proper and complete medico legal examination.
This must be done by a judicial medical officer specially trained or experienced in the field.

Difficulties - Medico legal

Late presentation.

Injuries healed and no apparent evidence.

Difficult to obtain an accurate history.

Feared of subsequent harassment.

Communication problems - language, age

Influence by interested parties.

Might become a major, sensitive international issue.

Legal status

Article 5 of the Universal Declaration of Human rights states “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment” - enshrined in Article 11 of the constitution of Sri Lanka

Methods used in torture

- Mechanical force.
- Physical agents.
- Ligature and suspensions.
- Sexual and Ano-genital trauma.
- Avulsions.
- Mental torture.
- Others.

Mechanical Force

Blunt trauma.

Assault with weapons –

- Batons, sticks, wicket poles, rubber hoses, PVC pipes, broken furniture etc.
- Punching and kicking, dashing the head on objects
- Purpose of most these cases is to inflict minimal or minor injuries with severe pain. Therefore perpetrators have found special method to assault a person.

Special methods - blunt force

Belana.

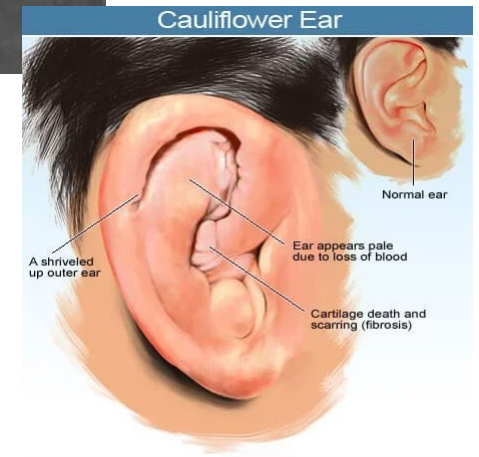
- Victim lying prone. Pole kept across the body and rolled up and down with a great force or weight being applied to it.

Falagna/Bastinado

- Blows to the soles of the feet. Causes contusions, fracture of metatarsal bones and phalanges. Difficulty in walking.

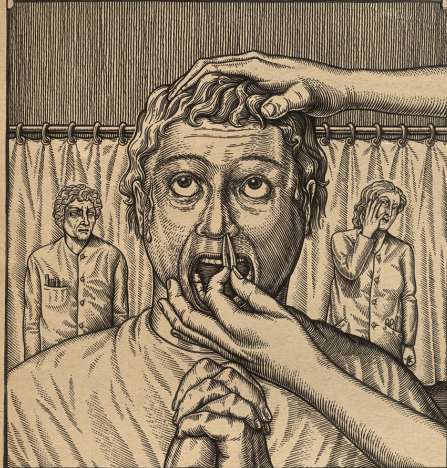
Telephono

- Bilateral simultaneous slapping to the face. With open palms. Contusion and hematoma involving the ears. Cauliflower ears.



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The hideous torments of old:
The steel tweezers.

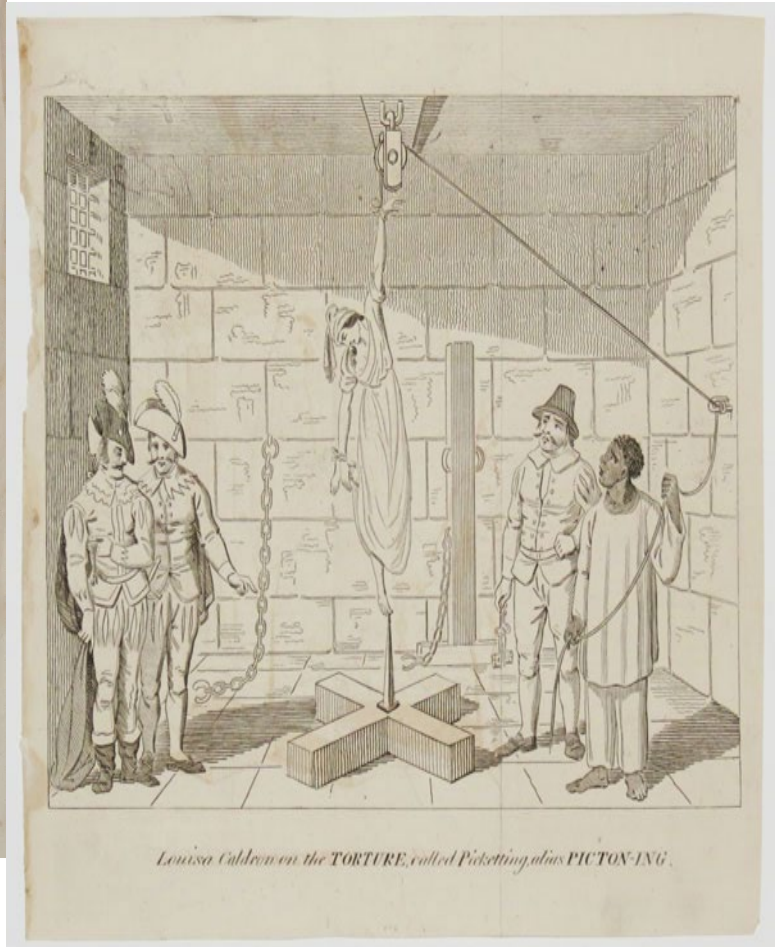


Doubtless dreamed up by a truly machiavelian mind, the origin of this refined torture goes back to Ancient China. It was an ingeniously-built set of tweezers for trapping a hair without breaking it. With these tweezers, hairs were pulled out one by one, stretching them until the roots showed, in order to cause the greatest suffering. However, this practice did not always prove effective and it was common for tiny pieces of flesh to be caught and even torn off, thus intensifying her suffering. A more sophisticated, perverse variant of this torture consists in practicing the same procedure on her nostrils.

NEW DEPILATE EL-88 DERMO FLASH
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The Torture.



Louisa Calderon on the TORTURE, called Picketing, alias PICTON-ING.

- Head trauma - book is kept on the head blunt force applied to it. No serious injuries as the force is diffusely applied.

Injuries

- Abrasions, contusions, lacerations, fractures depending on the site and the amount of force applied.
- Sometimes only pain without any obvious scars.
- Most of the time injuries are healed
- These scars should be differentiated from innocent injuries which are not related to torture.
- x-rays will show healed and healing fractures.
- Many musculo-skeletal trauma will present with arthropathies and other related conditions.
- Victim may be permanently disabled or in some occasions even the death can occur.

Sharp force trauma.

- Cutting with -knives, razor blades etc.
- Healed leaving linear scars.
- Must be differentiated from injuries resulting from other events especially self inflicted cut injuries.

Penetrating trauma

- Pricks/stabs with pointed objects.
- Puncture the skin leaving oval irregular shape scars.
- Pricking under nails - injury to nails and bleeding under them. Disappear with time.
- Insertion of barbed wire in to anus and rectum. Usually through a PVC pipe. Difficult to see the injuries. Examination with proctoscope might be necessary.

Other Physical agents.

- Burns with - cigarettes, burning cellophane, heated metal objects.
(Cigarette burns scars are usually circular and should be differentiated from chicken pox scars.)
- Cold water on genitals - no specific injuries.
- Water jet under pressure. Especially in to the anus usually won't leave any marks but sometimes could cause internal injuries and even death.

- Immersion/submersion – “Submarino”.

Forceful immersion often in to putrid water. Often hands and feet tied and lowered in to water/liquid with a rope attached. Inhalation of liquid cause infections.

Bag put around the face and filled with liquid



- Applying irritant substances – chilli powder, irritant fumes, petroleum products. Substance put in a bag and put around the face.

- Electric shock - “Picana”



The shocks are high voltage and low current. The high voltage means the shocks are ample but the low current means they are less likely to kill the victim, enabling longer torture sessions

Skin changes may be seen. Sometimes the shock is applied to the genitals.

Often water is thrown over the victim to reduce the electrical resistance of the skin

Ligatures and suspensions

- From wrist - la bandera
- From thumbs -
- From ankles - murcielago



- Cause linear abrasion or scars when healed.
- May be due to legitimate use of handcuffs.
- Ankle suspensions could cause death by postural asphyxia.
- Tight ligature might cause nerve damage.
- Might cut off blood supply to the distal part causing necrosis.



Palestinian hanging - wrists are tied behind the body and the person is suspended. Stretching of the brachial plexus causes nerve injuries.



Rod passing behind knees and arms and legs bound. Body is rotated. Hanging blunt objects hit the body or else someone will assault the victim while he/she being rotated in 360°. chicken treatment or in Sri Lanka popularly known as “Dharmachakra method”



Sexual and Ano-genital trauma

- Squeezing, Trapping between objects, Tapping with force – to breasts, scrotum.
- Application of irritant – to penis, vulva, vagina, anus and rectum.
- Burns.
- Insertion of rods, bottles to anus and vagina.
- Rape; often gang rape.

Avulsions

- Pulling of teeth.
- Pulling of nails.
- Pulling of hair – head, moustache, beard and pubic.
- Observe absence of teeth and nails, mobile teeth and nails, freshly growing nails, fractured teeth, deformed and discoloured teeth.

Mental trauma

- Stripping naked in front of others.
- Isolation in dark room
- Mock executions.
- Prevented from seeing loved ones.
- Threatening to harm loved ones.



BBC staff beaten and subjected to mock executions in Libya

Isolation in dark room





Other miscellaneous methods

- Forcing to eat things he dislike.
- Standing for long hours.
- Deprivation of food and water.
- Deprivation of basic daily needs.

Examination of torture victims

- Medical officer should be;
 - Impartial,
 - Non-emotional,
 - No religious or racial bias,
 - Politically or socially non-biased,
 - Knowledgeable about various types of torture,
 - Qualified,
 - Experienced

Medico -legal report must be

- Factual, detailed,
- Carefully worded,
- Opinion based purely on clinical findings and experience.

Medico-legal investigation

- Take a relevant detail history;
 - Place, date and time of torture,
 - Names of perpetrators if known,
 - Weapons used,
 - Areas assaulted,
 - Injuries sustained,
 - Complications caused if any,
 - Treatment taken,
 - After effects - limp, pain, vision problems etc..
 - Explanation of old scars,
 - Never try to sympathize with victim or assailants.
 - Medical history,
 - Trauma and surgical history.

Examination

- Detail examination – general and specific
- Description of all injuries.
- Description of all scars.
- Special injuries and scars.
- Determine the period of infliction and date injuries.
- Differentiate from natural disease processes.

Investigations

- Photographs
- X-Rays.
- Referrals
 - Eye,
 - ENT,
 - Orthopaedic,
 - Surgical,
 - gynaecology

Interpretation

- Accurate dating of scars – give a range of time.
- After 2 months accuracy drops.
- Sometimes can only say whether the scars are consistent with history.
- Identify the specific scars of torture.
- Identify the innocent scars.
- Identify non-specific scars.- assaults or accidents.
- Identify the scars resulting injuries caused after the torture episode.

Opinion

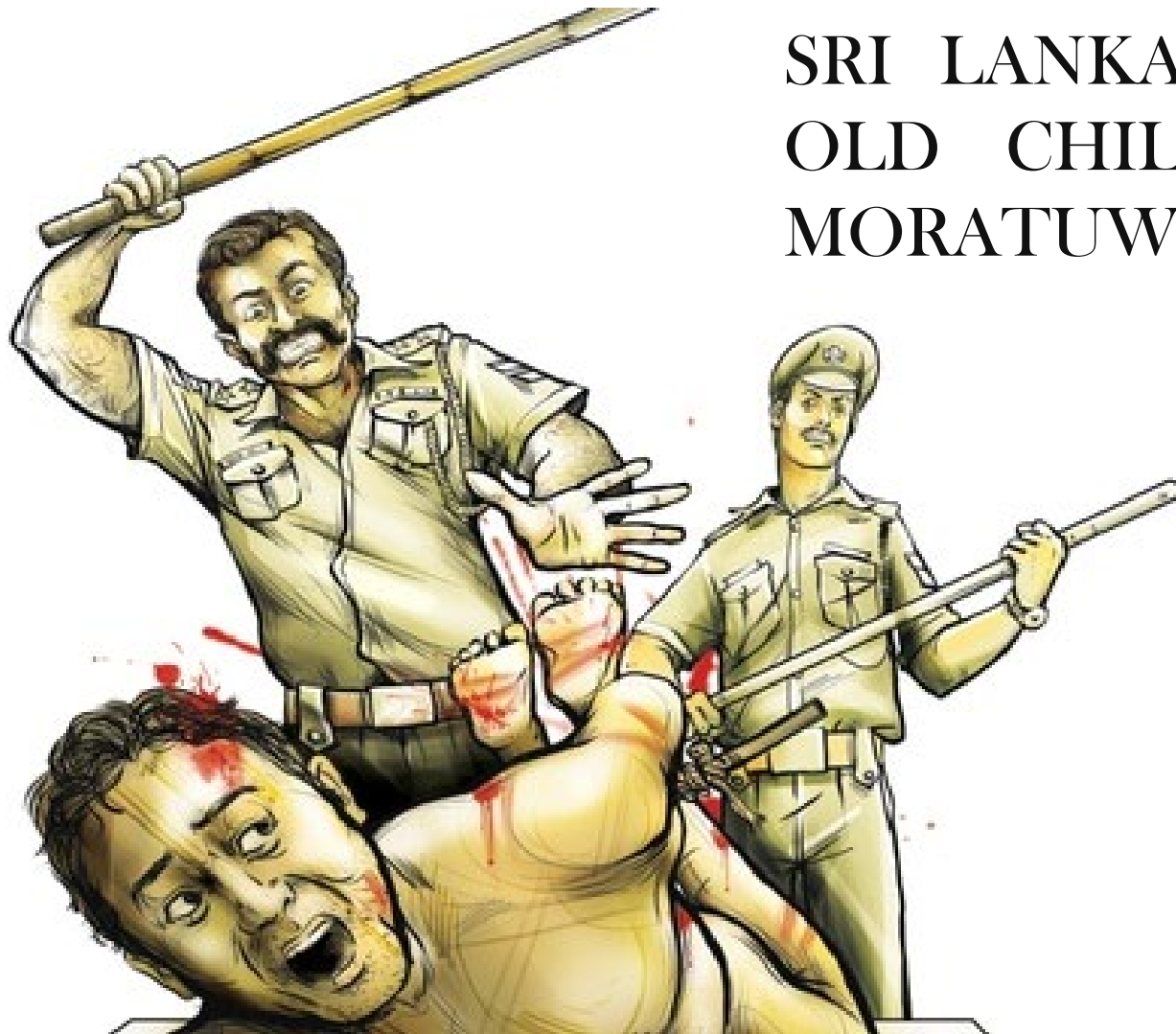
- Based on facts,
- Truthful and justifiable,
- Never say that torture has occurred – it is up to the courts to decide,
- Consider negative findings as well,
- Recommendations for referrals.

Sri Lanka: Medical Officers colluding with police refuse to treat a victim tortured by Ingiriya police



26/09/2021

SRI LANKA: FOURTEEN-YEAR- OLD CHILD TORTURED BY MORATUWA POLICE





Call for immediate action on assault of prisoners at Angunakolapalessa prison in sri Lanka



**ASYLUM SEEKER FROM SRI LANKA LET HIMSELF BE TORTURED
TO SUPPORT HIS BID TO STAY IN BRITAIN**

SRI LANKA: STATE OBLIGATION WITH REGARD TO TORTURE, AND FAILED GOVERNANCE



A meeting held by the Kandy Regional Office of the Human Rights Commission in support of victims of torture on June 29, 2018 raised again concerns with regard to impunity of the police, and failures of the legal system.

THE HISTORY OF TORTURE



BRIAN INNES

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TORTURE

A Collection

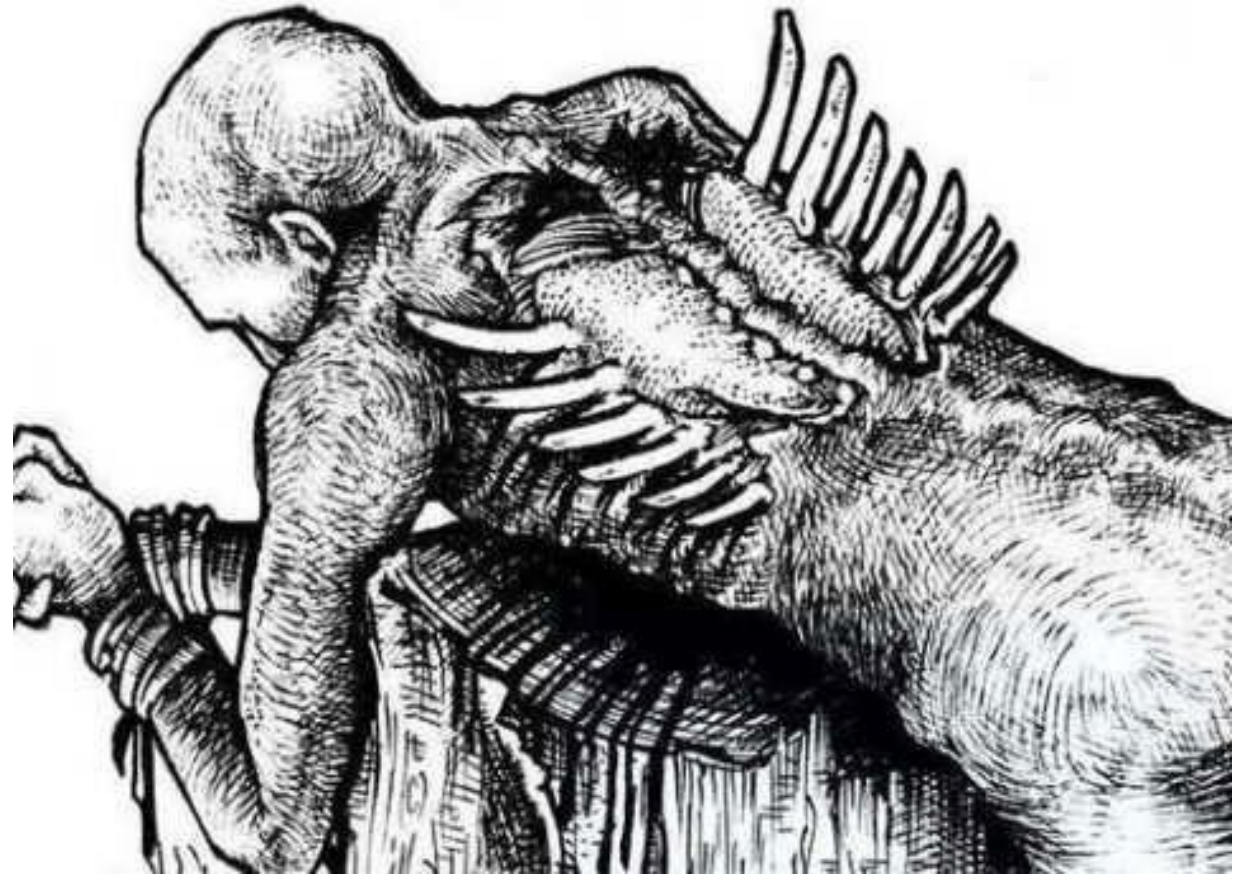


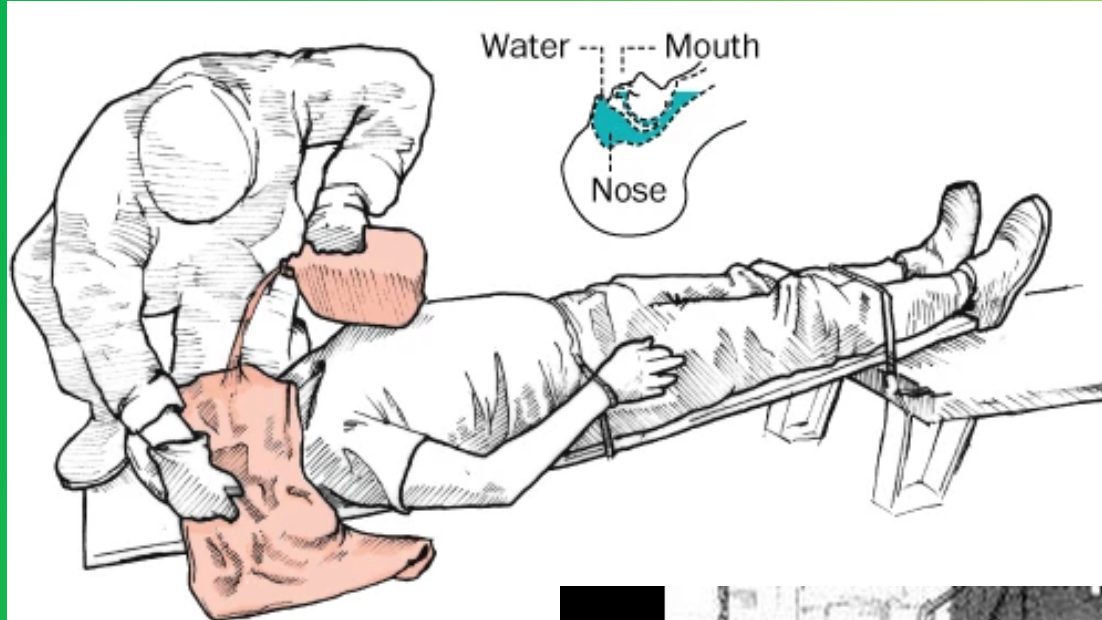
THE BIG BOOK OF PAIN

TORTURE & PUNISHMENT THROUGH HISTORY



MARK P. DONNELLY & DANIEL DIEHL





Thank you

