



Refugee Law Project

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A Centre for Justice and Forced Migrants



Could YOU be a Torturer? Statement on the International Day in Support for Victims of Torture

“Torture is real, speak up, take actions”, the theme of this year’s UN International Day in Support of Victims of Torture (every 26th June since 1998) rallies all of us, whether government, civil society, academics, media or ordinary citizens, to recognise the emergent reality of what torture is, to strategically identify, name and speak out against the multiple forms torture can take, and to take the actions we can to dignify and create pathways to healing for victims of torture.

But who are the perpetrators of torture? The UN Convention Against Torture (Article 1:1) defines torture as 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. The Uganda Prevention and Prohibition of Torture Act (PPTA) goes further to also recognize torture by people working in private capacity, as well as acts of omission that expose people to torture.

Why are ‘acts of omission’ important? The Ugandan definition, in line with popular usage of the language of ‘torture’, offers more scope than the international one. While including non-state perpetrators is a major step forward, it is the attention to acts of omission alongside acts of commission that is truly radical, opening up the possibility of prosecuting those who, if only they had acted differently, could have stopped torture. It allows an analysis of responsibility, rather than restricting us to the intention of the visible perpetrator to obtain information or confession from the victim.

To prove that ‘torture is real’, don’t we need to be more specific? Just as there are increasing calls to define what exactly we mean by ‘sexual violence’, shouldn’t we also be trying to elaborate the multiple forms that torture can take? In particular, isn’t it time that we recognise that ‘sexual violence’, in all its complexity, can at times be perpetrated under the umbrella heading of torture? Persons working with victims of torture must thus be keen to ask questions exploring the where, how, who, when and what if they are to understand and respond comprehensively. Uncovering what the ‘torture’ was for each person may take different routes and required different lengths of time.

Once we have uncovered the acts (of torture), do we need to go further? Should we only be concerned with the act or should we also look at its impacts? As Refugee Law Project we believe that the impacts are multiple and go beyond the immediate victim. We need to be cognizant of the impact of torture on families, communities and indeed on whole societies. As discussed in the book titled “Social Torture”, the LRA-Government of Uganda conflict meant different things to different people in Northern Uganda, but, without mincing their words, people would reflect on their experiences, knowingly and painfully shake their heads, and say, “It was torture” and “we were tortured”. In short, when individuals are tortured, communities and whole societies are not necessarily spared. Their particular experiences can go on to form both the lived memory and the lived truth of entire communities for generations. Truly, individual torture also becomes social torture. Our responses to torture can therefore not be limited to working with individuals, but also need to address families, communities and society.

Survivor-centred approaches to torture, just as to sexual violence, demand continuous creation and opening up of intentional safer spaces for people to share their experiences; It is there that we can collaboratively process the trauma experienced. Refugee Law Project recognises that the healing work for victims of torture is both a process and a work of co-production. With the agreement of victims and survivors we do mobilise therapeutic spaces taking the form of support groups which give agency to the victims as well as allow the victims to form a network of peers to journey together on the road to recovery.

In conclusion, operationalising Uganda’s ground-breaking Prevention and Prohibition of Torture Act and developing survivor-centred approaches requires us to;

- Re-examine and recognise who the perpetrators and victims of torture are.
- Develop strategies for evidencing responsibility in cases of acts of omission
- Begin the process of specifying the multiple forms that torture has taken in the past and present, and can take again in the future
- Recognise that sexual violence is at times perpetrated under the umbrella of ‘torture’
- Work intentionally outwards from the immediate victim to also address the impacts that his or her torture has had on their loved ones, their community and the broader society
- Co-create collaborative pathways and therapeutic spaces that acknowledge those experiences as well as deal with the specific harms coming out of them.

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