



**FACT**

# THE PREVENTION AND PROHIBITION OF TORTURE ACT, 2012

**SHEET**



**Uganda enacted the Prevention and Prohibition of Torture Act in line with Articles 24 & 44 of the 1995 Constitution, that provide for freedom from torture, cruel, inhuman and degrading treatment or punishment**

### Physical torture includes

- a) systematic beating, head banging, punching, kicking, striking with truncheons, rifle butts, jumping on the stomach;
- b) food deprivation or forcible feeding with spoiled food, animal or human excreta;
- c) electric shocks;
- d) cigarette burning, burning by electrically heated rods, hot oil, acid
- e) the submersion of the victim's head in water
- f) being tied or forced to assume a fixed and stressful body position;
- g) rape and sexual abuse, including the insertion of foreign bodies into the sexual organs or rectum or electrical torture of the genitals;
- h) mutilation, such as amputation of body parts
- i) dental torture or the forced extraction of the teeth;
- j) harmful exposure to the elements such as sunlight and extreme cold; or
- k) the use of plastic bags and other materials placed over the victim's head with the intention to asphyxiate.

### Mental or psychological torture includes

- a) Blindfolding;
- b) threatening the victim or his or her family with bodily harm;
- c) execution or other wrongful acts
- d) confining a victim incommunicado
- e) confining the victim in a solitary cell;
- f) prolonged interrogation of the victim so as to deny him or her normal length of sleep or rest
- g) maltreating a member of the victim's family;
- h) witnessing the torture sessions by the victim's family or relatives;

### What is Aggravated Torture?

A person is liable to life imprisonment for aggravated torture;

- a) When the offender uses or threatens to use or used a deadly weapon
- b) When the offender uses sex as a means of torture
- c) When the victim was a person with a disability
- d) When the victim was pregnant/becomes pregnant
- e) When the offender causes death
- f) If the victim was subjected to medical experiments
- g) If the victim acquires HIV/AIDS
- h) If the victim was under the age of 18 years
- i) If the victim is incapacitated
- j) If the act of torture is recurring, or
- k) If the offender commits any act that the court considers aggravating

### What is Torture under the Act?

Torture is any act or omission that is **intentionally** inflicted on a person and that causes severe pain or suffering with the **purpose of obtaining information, punishment, intimidation or coercion** of the victim **by any person** whether a public official or other person acting in an official or private capacity.

### Pharmacological torture includes

- a) administration of drugs to induce confession or reduce mental competence;
- b) the use of drugs to induce extreme pain or certain symptoms of diseases and
- c) other forms of deliberate and aggravated cruel, inhuman or degrading pharmacological treatment or punishment

### What is the penalty for committing torture under the Act?

- If convicted of torture: imprisonment for 15 years and/or fine of UGX 7,200,000
- If convicted of procuring, aiding or abetting, financing, soliciting, inciting or recommending torture: imprisonment up to 7 years and/or fine of UGX 3,360,000

There shall be **NO TRANSFER** of persons to a country or place where likelihood of torture exists

### Can a private individual be convicted of torture?

*Unlike the international Convention Against Torture, both public officials AND other persons acting in an official or private capacity can be convicted of torture under Ugandan law*

Any information, obtained from someone by torture shall not be used as evidence against that person

### What are the available remedies for torture victims/survivors?

*Compensation, rehabilitation, restitution or any payment ordered by court can be made to a survivor/victim of torture*

**We all have a role to play in ending torture!**

**Any person including YOU can report a case of torture to Police or Uganda Human Rights Commission**

**Torture is a criminal act!**

There is no limitation on how long after the event you report it

The Government shall protect whoever reports, witnesses, makes a complaint about torture

For more information, contact [info@refugeelawproject.org](mailto:info@refugeelawproject.org) or call 0776897057

