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**PSYCHOSOCIAL DYNAMICS CONDUCIVE TO TORTURE AND ILL-TREATMENT**

**Introduction**

The Independent Medico Legal Unit’s work under the Rehabilitation Programme involves provision of medical and psychological care to survivors and victims of torture through a network of medical practitioners and counselors, conducting of postmortems for deaths in places of detention or through action of state actors, counseling and medical care to victims of torture and forensic documentation for purposes of effective prosecution of state perpetrated torture. This work is often underpinned by the need to balance between response and prevention. We have supported thousands of victims over the years through this approach, which has been a key aspect of addressing psychosocial dynamics that come into play when engaging victims and their families.

State violence and its effects however cannot easily be divided into prevention and rehabilitation, because it is often times chronic and repetitive. We have found that for many victims, giving a clear distinction of before, during and after ‘the’ traumatic event can sometimes be hard to establish, because often times people’s experiences are laced and intertwined with other factors, and not just a singular life event. In essence, one’s response to a traumatic event, is compounded by other experiences that they may have previously gone through, their state of mental health wellbeing, among others. This therefore means that there as service providers we must always think outside the professional boundaries, where finding a middle ground where rehabilitation and prevention overlap becomes key.

**Psychosocial Dynamics to consider**

Supporting victims of torture and their families requires that we must address psychosocial dynamics that focus on engaging the duty bearers (perpetrators) and right holders (the victims). Working with victims and perpetrators in essence boils down to the preventive and responsive measures in addressing torture/violence. In order to address and respond to victim needs, it is important to understand the drivers and or patterns of violence/torture which often times get lost in normative acceptance of the use of excessive force especially when security forces are ‘dealing’ with suspected criminals or community delinquents; where the community feel that the police are justified in ‘wiping out’ criminal elements from the community, under the guise of avoiding the exhausting, bureaucratic and long process of going through the criminal justice system. Buying into the narrative of legitimizing torture/violence (often by police) by communities seems to be fueling these acts of violence against the backdrop that the public cannot rely on the criminal justice system to take its course in dealing with suspected cases of criminal behavior. In order to address this anomaly, it is paramount that the community, government and civil society plays a critical role in reversing this through public educating in order to change the public’s acceptance of police’s excessive use of force and violence[[1]](#footnote-1). The Police have the duty to maintain law and order, investigate crime and apprehend offenders. In doing so, they are allowed to use force, but only to directly protect themselves and/or the lives of others. Where the police kill or subject suspects to torture cruel and inhumane treatment, the public ought to know that this happens in contravention to article 48-51 of our constitution which guarantees every person the right to due process.

Another key dynamic to consider is the need to understand the patterns and drivers of torture/violence. State perpetrated torture/violence is often times guised under the backdrop of self-defense, which is disproportionate to the threat it purports to counter. Torture is often considered to be an extraordinary event. Focusing on the mundane nature of torture and ill-treatment, high risk groups emerge like young men or children in conflict with the law and the community they inhabit, and sexual minorities. These groups, are often seen as affronts to public morality, sometimes because of their actions and sometimes because of what danger they are seen to represent (crime, drugs, terror, moral decay, threats to livelihoods, economic burdens etc.) and they are vulnerable to attacks from state officials and as a result they suffer from traumas from being both victims and perpetrators at a very young stage in their development.[[2]](#footnote-2)

**Recommended Normative**

It is imperative to factor in state and non-state authorities when responding/addressing torture/violence and ill treatment. State authorities are especially important as they often command considerable resources to support the wellbeing of its people as a duty bearer. Human rights approaches will often target state authorities to ensure critical institutional reforms, to train and capacitate its workers. While this is a central approach to working with state authorities, especially at a policy level the psychosocial model for prevention of violence and treating its consequences must work at a different, more relational level.

It is imperative that the State and State Actors promote people’s dignity rather than strip them of it-which in essence, is what torture does-. Psychosocial studies indicate that humiliation and the stripping of one’s dignity and self-worth is at the core of violence in urban settings. Psychosocial studies in the field of trauma indicate that if individuals have unresolved histories of being violated, a current experience that reminds them of the trauma could serve as a trigger, leading to them acting out their pain through violence, thus propagating the cycle of violence. In other words, interactions with hostile, uncaring and violent state institutions (such as the Police) can set in motion a replay of unresolved historical injustices. Thus functional, respectful government institutions can be a powerful vehicle of both healing and prevention.

**Finally, these key considerations are important:**

1. State authorities should assume their responsibilities as duty bearers towards vulnerable groups, families and communities as integral part to maintaining order. The State and State agencies need to constantly reflect a positive/helping/protecting attitude/approach towards vulnerable groups that are based on sound understanding of their problems and risk factors rather than stereotypical notions of poverty and or unemployment being synonymous with crime danger;
2. Communities and the public ought to have a clear understanding of their rights and responsibilities seeing as they are an integral part of fighting the stereotypes on both government as well as vulnerable groups that are prone to police violence

1. file:///C:/Users/IMLU/Desktop/violence\_among\_urban\_poor\_in\_nairobi.pdf [↑](#footnote-ref-1)
2. https://www.researchgate.net/publication/338115663\_Psychosocial\_Drivers\_Prevention\_and\_Sequelae\_of\_Engaging\_in\_Torture [↑](#footnote-ref-2)